

# AN ASSERTION

FOR O. 8. 17. O 8. 13.

True and *Christian* CHURCH-  
POLICIE.

Wherein

Certain Politike Objections made  
against the planting of PASTORS and  
Elders in every *Congregation*, are sufficiently  
ANSWERED.

*And*

Wherein also sundry projects are set downe, how the  
Discipline by *Pastors* and *Elders* may be planted, without any dero-  
gation to the Kings Royall Prerogative, any indignity to the three Estates in  
*Parliament*, or any greater alteration of the laudable Lawes, Statutes, or Customes  
of the Realme, than may well bee made without damage to the people.



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London, Printed 1642.

# ASSURANCE

FOR

Life and Accidents

OF THE

ASSURANCE COMPANY

Which also insures property and buildings from fire

London, Printed 1845





To the Right Honourable  
the LORDS and COMMONS  
Assembled in High COURT of  
*Parliament.*

Right HONOURABLE, &c.



He Ensuing Treatise  
which I am bold to pre-  
sent to Your wisedomes  
view, contains principall  
politicall reasons grounded  
upon the Lawes of this  
Kingdom, for the remov-  
ing of the present Hierarchie, and planting of a  
Government by Pastors and Elders. The ap-  
pellation of Lay Elders hath beene very displea-  
sing to many; whereas the Elder intended to be  
planted, is not lay, but in regard of the service  
(wherein hee is to bee employed) Ecclesiasticall.  
The Author was an elaborate Student in the ci-  
vill Law, and a professor of it. He was esteemed

The Epistle

learned by the best of that profession, as also by  
Divines and common Lawyers, learned Sir *Ed-  
ward Cook*, late Chiefe Justice of the Kings Bench,  
Sir *Christopher Yelverton*, late Judge of the Common  
Pleas, Sir *Henry Finch*, late the Kings Serjeant at  
Law, and others have given testimony of him.  
The Treatise is an answer to diverse passages in a  
Book written by *D. Wriggitt*, late Archb. of *Can-  
terbury*, intituled An admonition to the *Parliament*.  
The Author (as I doubt not but will appeare to  
your Wisedomes) hath written with the spirit of  
meekenesse and humility, submitting all to the  
judgement of an High Court of *Parliament*, hee  
disputes with the Great Bishop in a Scholasticall  
way, without one syllable of reviling, or bitter  
language, which he ever detested. Hee discovers  
the foundation of the Hierarchie to be totally ille-  
gall, and to bee abolished by the abolition of the  
Papall Canon Law, which appeares to be aboli-  
shed by the statute of 25. of *Henry 8. cap. 9.* The  
truth whereof (being discovered by the Authors  
means to the said learned Judge Sir *Edward Cooke*,)  
hee did most ingenuously acknowledge, and did  
avow he never understood the statute so well be-  
fore, yet affirmed he thought he had read the said  
statute an hundred times. May it please you in  
your wisedomes to commend the Treatise to bee  
viewed by the learned Gent. of the long Robe,  
whose

*Dedictory.*

whose awfull judgments I shall ever honour.  
Most true it is (I dare averre) there is little written  
in this Kingdome tending to the removall of the  
*Episcopacie*, from Legall and Politicall arguments,  
but the Author hath the arrowes in his quiver, I  
say not that others have borrowed light from his  
Candle. Right Honourable and Right worthy,  
I shall humbly take further boldnes (humbly pre-  
suming upon your Honourable favours) if this  
poore model find acceptance in your sight, to pre-  
sent you with a new impression of an abstract  
written in time of famous *Queene Elizabeth*, (a  
Book well knowne to learned King *James*) by the  
same Author, whose memory, I am bound by na-  
ture to Honour. Give mee leave onely now to  
make knowne unto you the Title and severall  
Treatises contained in it. It is intituled, An ab-  
stract of certaine Laws, Canons and Constituti-  
ons Synodall and Provinciaall in force within the  
Queenes dominions, and for the most part un-  
knowne to the subject. It containeth these prin-  
cipall Treatises. 1. That a learned Ministry is  
commanded by Law. 2. That Pluralities are for-  
bidden by Law. 3. That it is unlawfull to make  
a Minister without a title. 4. That it is unlawfull  
for a Clerk to have civill authority. This abstract  
was seemingly answered by the rayling stile of a  
then Doctor *Cozens*, but by a further encounter,  
and

For the Counter. Pagon see Part of a Page  
let of 412 & but The Epistle attributed to  
well of  
the Bishop  
Shortens  
V. 1. 1.  
56. 5  
Catholy  
Dennis  
The  
to Divine  
in the  
Catholic  
A. Rome  
I am  
and the counterpoysion (yet extant) written by the  
same Author, he departed the Field with Honour,  
such was the opinion of many learned, among o-  
thers of the foresaid, Reverend Judge, Sir Henry  
Telverton. This treatise was never questioned nor  
quarrelld, for ought I ever heard: Yet was the Au-  
thor well knowne to many of the Bishops. You  
may happily in your Wildomes conceive some  
things might have beene omitted, as not wholly  
incident to the time, and some abbreviated in re-  
gard of the shortnesse of your time, and of the  
high affaires now in hand. But may it please  
you, being about so to doe, I found the light must  
have bin much Eclipsed, and the truth obscured.  
I am over bo'd, most humbly to commend the de-  
fence of what he writes, grounded upon the laws  
of the Kingdome, to your most Honourable prote-  
ction. It shall be enough for me to attend among  
the meanest of your servants, having heretofore  
had the happinesse to have bin a member (though  
unworthy) of the Honourable House of Com-  
mons.

Presenting your honours and your grave wis-  
domes with my heartiest prayers and humblest  
service, In most humble manner, I intreate your  
pardon of and for

The

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AN  
 ASSERTION  
 FOR  
 True and Christian  
 Church-Policie:

Wherein certaine politike Objections made against  
 the planting of Pastors and Elders in every Congregation,  
 are sufficiently answered. And wherein also sundry  
 projects are set downe, how the Discipline by Pastours  
 and Elders may be planted, without any dero-  
 gation to the K I N G s Royall  
 Prerogative, &c.

ADMONITION.



THE reason that moveth us, not so like of this  
 platform of Government, is, that when we,  
 on the one part, consider the things that are  
 required to be redressed; and on the other,  
 the state of our Countrey, People, and Com-  
 mon-weale, we see evidently that to plant those  
 things in this Church, will draw with it so  
 many and so great alterations, of the state of Government, and  
 of

Page 79.

*An Assertion for true*

*of the Lawes, as the attempting thereof might bring rather the overthrow of the Gospell among us, than the end that is desired.*

A S S E R T I O N.

**T**He benefit of all exceptions, and advantages, to the invaliditie, uncertaintie, imperfections, and insufficiency, of this admonitory bill, and matters therein contained, alwayes saved; for answer to so much as concerneth this clause, and every other clause, and article, of the bill hereafter following, and without that, that there is any matter, or thing, in the same bill of admonition materiall, to be answered unto, and not herein, or hereby sufficiently answered, confessed, and avoided, traversed and deemed is true, in such manner and forme, as in the same is set forth, and declared; the defendant is ready to aver, maintaine, and prove his answer, as shall please the King, to award, and to command. And therefore he most humbly beseecheth the King, if it please the King, and that hee have found favour in his sight, that his exceptions may be admitted, and read, and that his counsell, learned in the law, may be heard, and suffered to speake.

This platforme of government, intended by the admonitor, not to be liked of in this place, is that platforme of Church government, by Pastours and Elders which the Booke of Common Prayer, the Doctrine of the Church of England doe highly command; and which he himselfe Master D<sup>r</sup> Whitgift, now Lord Archbishop of Canterbury, and very many other (e) reverend Divines of our age, doe publickly confesse in their writings, to have beene practised by the Apostles, and Primitive Church. From whence it followeth that the government of the Church, by Archbishops, Bishops, Suffraganes, Archdeacons, Deacons, Chancellours, Commissaries and Officialls, now already planted and liked of, was not practised by the Apostles and Primitive Church. And therefore for my part, I cannot, but marvell, that a disciple of the Apostles Doctrine, and a successor in the Apostles Chaire, should be drawne to humane reasons, not to like of the Apostles government, nor to tread in the steps of the Primitive Church. For seeing the same is acknowledged by himself to be the first way to be the old and ancient way, as being the Apostles way, why should we not walke therein, as in the only good and perfect way? The reverend Bishops will not deny, that the Apostles, and Primitive Church for their manner of government, had the mind of Christ,

and

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Com. Pray.  
tit. Commi-  
nation.  
Homil. 2.  
part. of the  
right use of  
the Church.  
Admo. pag.  
Whitgift  
p. 654.  
M. Nowell  
in his Cate.  
M. Calvin.  
M. Junius.  
Looke Peti.  
to her ex-  
cellent Ma-  
jestic, p. 11.

Ier. 6. 16.



and that we should follow the Apostles, as having them for examples, because they were the followers of Christ. Again they cannot but grant, that the manner of government, practised by the Apostles and Primitive Church, is written within the booke of the covenants of grace. All which notwithstanding we see in this place, that from the new Testament, from the Articles of grace, from the law, from the testimonie, from the example of the Apostles, and from the mind of Christ, we are addressed and turned over to our state of government, to our country, to our people, to our Common weale, and to our Lawes. But this turning of devises shall it not bee esteemed, as the Potters clay?

Isa. 29. 16.

But (saith he) to plant those things in this Church, which are required to be redressed, might bring rather the overthrow of the Gospell, than the end, that is desired. Indeed (say I) if this might be as soone proved, as it was soone said, the case might have gone well with him. But this parable is so darke, that (unlesse it be opened) there is no light at all to be seene in it. For he well knew, that in stead of the government practised by the Apostles and Primitive Church, the jurisdiction of Archbishops, Bishops, Suffragans, Deacons, Archdeacons, Chancellors, Commissaries, and Officials, is already planted in this Church; And he was not ignorant also that the same jurisdiction only, and none other, is required to be redressed. Now then if request be made, that this manner of government be redressed, how can it evidently bee seene that to plant that manner of government, might bring rather the overthrow of the Gospell than the end that is desired? But it may be that he meant more lightsomely than he spake. Yea let it be, that he intended this: *viz.* to unplant that, which is now planted, and to plant those things, which are yet unplanted (by reason of many and great alterations) might bring rather an overthrow of the Gospell, than the end that is desired; well (I say) be it so, that he thus meant. How is this thing evidently seene, or how can it evidently be proved? The best sight, that the servant of Christ can have, is faith. For Faith is an evidence of things which are not seene. This overthrow then of the Gospell, not being seene with his bodily eyes, must needs be intended to have beene seene with the eyes of his faith, But where is the word of Christ, whereupon the eyes of his faith were fixed? If then he hold no word of faith, then of necessitie was his evident sight, but an evident fancy. And in deed what else could it be? For what other thing is there desired, to bee planted in this Church, but only the Apostolicall government of Christ? And what

Heb. 11.

other Gospell could hee evidently see, that might bee overthrowne by holding forth this scepter, but only the Apostolicall doctrine of Christ? A marvellous strange and unkinde sight, (I trow) to be seene, that the Apostolicall Government could no sooner bee planted, but that the Apostolicall doctrine must needs be rooted up. That Christ by his owne scepter, were not able to maintaine his owne grace, by his owne order, should weaken his owne oath, or by his owne sword, should cut from the people of God, his owne Word. But seeing it was his purpose to perswade the people unto a dislike of the Apostolicall government, by arguments and reasons drawne from humane policie, rather than to confirme them in a good opinion of the Prelaticall Government, by prooves taken from the authoritie of holy Scripture, we will follow him in this his veine. Yea, and by the help of God, we will try of what efficacy, such his politike and humane reasons may be, as wherewith he did assay, to dissuade the people from consenting unto any other manner of Church Government, than is already settled among us. The generall effect of all which, both here and else where spoken of, by him briefly gathered, is this:

*Such things may not be planned in the Church of England, as by attempting, the planting whereof, there is an evident sight, that the Gospell among us, may be overthrowne.*

*But there is an evident sight, that the Gospell among us, may be overthrowne, by attempting, to plant that Government in the Church of England, which was practised by the Apostles and the Primitive Church, Therefore that manner of Government may not be planted.*

*The assumption of which sillagisme, hee endeavoureth to confirme thus, whatsoever will draw with it, many, and great alterations of the state of Government, and of the lawes, the same may bring rather the overthrow of the Gospell, than the end that is desired: but the planting of the Government practised by the Apostles and Primitive Church, will draw with it, many and great alterations, of the state of Government, and of the lawes.*

*Therefore the planting of this manner of government may rather bring an overthrow of the Gospell, &c.*

If any shall object that by thus gathering his argument, I had in this place falsified his argument, by adding more, than is here expressly uttered by him: let such one understand, that this charge is but a meere and needlesse cavill. For sithence both here, and throughout his booke, his intent was to dispute for the government already received, against the government, which is required, to bee planted, in the Church:

And



And for so much also, as none other government, is required to be planted, but that only Government, which was practised, by the Apostles and Primitive Church, it must necessarily follow, that the arrows which he shot against the government required to be planted, were shot only against the government which was practised by the Apostles, and the Primitive Church. And therefore there can be no just charge of any falsification, used in the gathering of his arguments. Against which I argue as followeth :

*Whatsoever will draw with it no alterations of the state of Government, and but few, or small alterations of the lawes, the same may rather bring the end, that is desired, viz. a godly peace, and Christian unitie both in Church and common Weale, than the overthrow of the Gospell among us.*

*But the planting of the government practised by the Apostles and Primitive Church, will draw with it no alteration, of the state of government, and but few or small alterations of the lawes.*

*Therefore the planting of the Government practised by the Apostles, and Primitive Church, may rather bring the end that is desired, viz. a godly peace and Christian unitie, both in Church and Common weale, than the overthrow of the Gospell among us.*

The truth of which argument will then appeare, when the Admonitors argument shall be convinced of error: for the disproofe of the one, is the proofe of the other, and if his fall, then cannot this but follow. And touching the invaliditie of the first proposition, of his second Sillogisme, we affirme, that the alterations, of the state of government, and of the Lawes (bee they never so many and never so great) can never bring any overthrow of the Gospell, if the same alterations, be made, for the planting of the Gospell. For the lawes once altered, can overthrow nought, because they are then no more lawes. And to say, that the Gospell once planted by authoritie of new lawes, can be overthrowne by the same lawes, is more absurd. For the new lawes give life to the entertaining of the Gospell, by means whereof, the Gospell, can not discontinue, so long as those lawes continue. And hereupon also it followeth, that no alteration of lawes, for sweeping, and cleansing, of the Church, for casting, and whipping buyers and sellers, and choppers of Churches, out of the Church, can overthrow the Gospell. For if all dross, filth, and corruption, be cast out; if all lets, and impediments, be done away, it cannot be but that the Gospell, must needs have a freer, and larger passage, as whereunto a wider doore can not bee, but opened, for the bringing in of a

sol. song.  
6:3, 4

more plentiful harvest. And if the Church be beautifull as *Tyrfa*, and comely as *Ierusalem*, if she looke as the morning, If she be faire as the Moone, pure as the Sunne, and terrible as an army, then is she set as a seale on the Lords heart, and as a signet upon his arme, and then shall the coales of his jealousy be as fiery coales, and as a vehement flame, that much water shall never quench it, nor any floods ever drowne it. But if he should rather meane, that the alterations of the state of government, should be so many and so great, as that thereupon he did strongly imagine, evidently to see the overthrow of the Gospel, then we say that no state of government, can ever undergo, either many, or few, either small, or great alterations, unlesse by alteration of lawes made by the same state of Government, the same state of government be altered. Now then if our politike state of government, (whereof hee must needs speake, for otherwise his speech were to no purpose) to amend and reforme abuses in it selfe, may justly put it selfe under the yoke of a new law, (as it hath done, and daily doth unto many new lawes) and so in this respect, after a sort, in some part alter it selfe (for every reformation is a kinde of alteration) without any dammage, hazard, or prejudice to it selfe, if (I say) this may well be so, what a silly skare-crow, is there here, brought into the field, to fray our politike state of government, for attempting a reformation in the Church? Belike he knew some to faine, that our state of government, must necessarily fancy whatsoever they fancy. And namely, that a reformation of the Church, cannot but inferre a desolation of the State: or that the State cannot be well ordered except it suffer the Church to be disordered: or that the Church could not be faire, well favoured, and in good plight, but the state of our Countrey, people and common weale, must be foule, ill favoured and out of heart; or lastly that the State cannot lounce, binde, draw, and heale up the sores, wounds, and contagions of the Church, but it must withall fester, infect and poison it selfe. All which, how unsavorie and voide of all sense it is, I leave to the judgement, both of the state, and of the Church. For who seeth not, but that the state of politike government, may wholly alter the state of Church government, and not so much as alter one least jot of the politike state of government it selfe? Besides, since our state of politike government, hath in our dayes and before our eyes, repealed very many old lawes, and disavowed sundry ancient customes, to entertaine, and harbour the Gospel, must our state of politike government, no sooner now attempt to repaire certaine breaches, made into the vineyard, but it must straight wayes,

roote

roote up, that which it hath planted, and pull downe that, which  
 it hath builded? Hee that diggeth about, and dungeth, hee that  
 spreadeth and pruneth the rootes and branches of a Tree, doth hee  
 not rather quicken, than kill the roote? And doth hee not rather  
 cause the boughes to sprout, than the body to wither? Can  
 seven times trying, and fining of Gold, breed a canker in Gold:  
 or may a River bee dreined drie, by one who shutteth not, but o-  
 peneth the Springs? The bodie of a corpulent, and diseased man,  
 the more it is purged, the more full of health it is, and of better  
 constitution. And how then can it be concluded, that the Gospell,  
 the life and soule of the Church, can languish, and give up the  
 ghost, when the Church for the better preservation of her health,  
 shall receive by some new and wholesome law, some new and whole-  
 some purgative receite? Moreover, forsomuch as here is mention  
 made, how the publishers of this Booke, did consider on the one  
 part, of things that were required to bee redressed, and on the o-  
 ther side, of things required to bee planted, together with the  
 state of our Countrey, People, and Common weale; it is plaine,  
 that their resolution was rather still to continuethings amisse, in the  
 Church unredressed, than to plant the things required, to be planted.  
 And alas, what a resolution was that among pillars and Fathers (for  
 so they will be counted) of the Church? Especially, when as the  
 things required to be redressed, were required to be redressed at the  
 hands of the whole state of government, that is, at the hands of the  
 Queene, the Lords Spirituall and Temporall, and Commons in open  
 Parliament assembled. And could any damage (if I pray you) have  
 ensued to the state of Government, to the state of the Queene, to the  
 state of our Countrey, People, Common weale, and Lawes, or to  
 the state of the Gospell, if things amisse in the Church, had beene  
 redressed, and things wanting in the Church, had beene planted by so  
 high, and supream a power? I trow not. Nay seeing our Countrey,  
 People, and Common weale, not only once, and twice, and thrice,  
 but many times, have humbly and earnestly prayed, and solicited in o-  
 pen Parliament, a redresse of things amisse in the Church, is it not  
 most evident, that things were not considered aright but amisse by  
 these Fathers of the Church? And that the considerers by keeping  
 things unplanted, rather aimed at their owne profit, honour, and  
 dignitie, than that our Countrey, People, and Common weale,  
 should fare the better, by having things amisse, to be redressed?  
 The considerers then being them selves parties, yea and such parties

ties as by whom things were carried amisse, in the Church, and whose defects only were required to be redressed: no marvell (I say) if they used all kinde of artificiall aduise ment and consideration, to keepe things still unplanted, by the planting whereof their owne unfatherly miscariages, must have beene reformed.

On the other side, if things required to be planted, might indeed be once planted, howsoever happily our former Church officers, might bee somewhat male-contented, and discouraged, to have their superfluities pared, and the edge of their swords abated, yet is there no least cause at all, for our Country, people, and Common weale to feare any trouble, or hurly burly among us. For if the hand of God be in Judah, so that he give the people one heart, to doe the commandment of the King, and of the Rulers, according to the word of the Lord, and if the King, the Nobles and Commons shall condescend and agree in one, and if their voices shall be all, but as the voice of one man, to allow and approve that, which doth touch and concerne them all, then shall neither the Nobles have any occasion to disdain the Commons, nor the Commons any reason to envie the Nobles. Much lesse can the Nobles be at variance with the Nobles, nor the Commons be at defiance with the Commons. For they bee all of them so prudent, and so provident, as that they will not bite one another, lest they should be devoured one of the other. And in deed, why should any of our Clergie-Masters be so void of judgement, as to deny the Nobles and Commons, after foure and forty yeares experience, of a most prosperous peace, waiting upon the Gospell, to be now growne so uncircumspect and simple witted, as that a reformation of disorders to be made by their consents in others, should bring forth a confusion in themselves? What? will they bicker one with the other, will they beate, and buffet one another, when there is no cause of disagreement, or variance betweene them? For they shall be sure to lose neither libertie, nor dignitie; they shall endanger neither honour, nor profit. Our Nobles shall be tref-noble still, they shall be Princes and Captaines over our people: They shall be Deputies and Presidents in our publike Weale: They shall be Peeres, and Ancients of the Kingdome: their Priviledges, Prerogatives, Preeminences, stiles, ensignes, and titles of prowess, and honour, shall not be raced, defaced, or diminished. But they shall (as they may and ought) remaine and continue whole, and inviolable, both to them, and their posterities, throughout their generations. Our Judges, Justices, and Lawyers, shall have and enjoy their authorities, credits, and reputations, as in ancient times. They shall

2 Chron. 30  
12.

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shall be recorders of our Cities, Townes, and Boroughs: They shall be Stewards of Kings Loets and Lawdayes. Our Knights, Esquires and Gentlemen, shall still bee Burgeses in Parliaments, and Conservators of the Kings peace: they shall bee Assisants to examine and repress thefts, rapines, murders, robberies, riots, routs, and such like insolencies. Yea they shall be our Spokes-men, and our Dayes-men, to arbitrate and compose, strifes and debates betweene neighbour and neighbour. Our common people, they without disturbance, shall quietly and peacably, retaine and injoy (as in former ages) their immunities, franchises and liberties, as well abroad as at home, as well in their houses, as in their fields. They shall possesse their tenancies without ejection; they shall bee inheritors without expulsion, as well to the lawes, liberties, and customes, as to the lands and possessions of their Ancestors. They shall not bee compelled to goe to warfare upon their owne costs, they shall not be tryed, arraigned, or condemned, by forraign power, or by forraigne Lawes. There shall no husbandry, no clothing, no handicraft, no mariner, no marchandise, no lawes of the Land, no manner of good learning whatsoever in Schoole, Colledge, or Vniversitie, be decreased or laid aside. Wherefore the Admonitor toying neuer so much; howsoever hee hath made his flourish, and cast about with his *May bees*, his, *I feare*, his *pray God*, his *yes*, and his *andes*, howsoever (I say) it pleased him to trifle with these gew gawes; yet shall none ever be able, to prove by any proofes drawne from the holy Scripture, or humane reason, that any hinderance, indignitie, or incumbrance can ever betide our Nobles, our Commons, the state of our Countrey, People, Lawes, or Common-Weale; if the state of Church-governement, were translated from Archbishops, Bishops, Archdeacons, Chancellours, Commissaries, and Officials, (which are officers in the house of God, only according to the commandements and traditions of men) unto the government practised by the Apostles and primitive Church, which they cannot deny, but must confesse to have been according to the holy pleasure of God. Nay our Nobles, and our Commons, are most assured to bee so farr from being endamaged, or losing ought hereby, as hereby they shall purchase that unto themselves, which never yet any oppugner of so good and holy a cause, could attaine unto. Namely, they shall scale up unto their owne soules, infallible testimonies of good and sincere consciences: testimonies (I say) of their fidelities unto God, testimonies of their allegiance unto him; by whom they have beene redeemed, and testimonies of love, and compassion unto the whole Church

of God. Nay further, our Commons shall be so farre from bringing a damage upon themselves, as they shall marvellously benefit themselves. First by purchasing unto themselves, a large immunitie from many foule and great grievances, and exactions of money imposed and levied upon them, by Officers and Deputies of Archbishops, Bishops, Archdeacons, &c. Secondly, by having the Lord Christ, whose cause they undertake, and whose glory they advance, to bee a friend unto their friends, and an enemy unto their enemies. And if our Nobles, and our Commons, bee all hushed, if they bee all at sleep, at peace and at rest, wee may cast away all feare, and bee past all doubt, that the King can not, but helily recreate and solace himselfe, and that his gray haire, whensoever they shall come, shall never bee brought to the grave, in sorrow, but in a good and perfect age, and peace.

Pag. 79.

Pag. 79.

But happily it may be replied, that some of our Nobles, and most of our "Commons, be so backwardly affected of the truth of Religion, as that rather they would turne head upon the Gospell, than brooke an alteration of Archiepiscopall, Episcopall, and Archidiaconall Church government. In deed if a reformation of the state of the Clergie were attempted by any other meanes, than by publike tractation and consent of Parliament, I could not but leane unto this opinion, that the attempting thereof might bring an overthrow to the attempters. Because the same attempt, should be dishonourable to the name of God, as being contrary to the forme of doctrine received. But since things amisse are required to be redressed by the King and Parliament alone, this objection is altogether vaine and frivolous, and is already sufficiently convinced, by that peaceable agreement betwene Nobles and Commons, before remembered. But let us wade a little deeper, and search a little more narrowly into every veine, creeke, and corner of this supposition. And let us see, by what manner of persons this pretended overthrow of the Gospell might bee wrought.

No feare  
that pro-  
phane men  
will over-  
throw the  
Gospell.

All carnall, sensuall, and earthly men, either whose belly is their god, or whose God is this world, all such men (I say) as in every age, be of Dorningoes religion, namely, just and iump, of that religion, which the King and State professe, they are so farre from attempting ought, to overthrow the Gospell, as under the shadow of the name thereof, they will evermore crowd, and cover their carnalitie and prophannesse. For they being evermore of every religion, and so indeed of no religion, and passing not whether our Saviour Christ, or Beliall be their God, sing as the Poet singeth; *Aus: Aus: Neque: Neque:*

becke



beck and bow, cap and knee, to whatsoever the State and Law commands. If the King be a Gospeller, the Gospel, the Gospel, and naught else, but the Gospel shall be found to roule in their mouthes. But let the Crowne once turne, by and by, they have turned their Coates, and as weather-cocks, with every paffe of winde, are huffed about. Whatsoever order or manner of government bee planted or displanted in the Church, the same shall bee no corosive to them. It shall never sticke in these mens stomacks, neither will they lay it to their heartes. The King and the Counsell is wise enough, and know what they have to doe well enough. They will not bee more forward, nor wiser than the Prince, they will not cheque and controll the whole Realme. They cannot brooke these busie bodies, and medlers in matters above their reach. They will bee none of these new fangled and precise fookes; they will not be backward, and come behinde the law, as the Papists doe; neither will they be too forward, and runne before the law, as the Puritans doe. But they will behave themselves in all things, and at all seasons, as discreet and polittike Protestants ought to doe, conforming and submitting themselves alwayes to all order and authoritie of the Queenes booke, and lawes settled. Yea and though they be not booke learned, nor any pen Clerks, yet they believe well. And therefore they will goe to the Church, and say a few prayers, yea, and they will receive the Sacrament at Easter, as devoutly as the best precisians of them all. All these Atheists and godlesse men, being neither hot nor cold, neither fish nor flesh, nor good red herring, plant what plants you will, and sowe what seeds you list, yea make what ditch, hedge, pale, wall, or fence you please, they set cocke upon hoope, and passe not a button for it; every season, be it wet, or be it dry; every kind of land, be it clay, or be it sand; every furrow, be it broad, or be it narrow, be it deepe or be it shallow, pleaseth these medley coates alike. They are like unto *Isaiah* Ewes, which having straked and party coloured rods laid before them in the gutters, at a ramming time, brought forth none other but party coloured Lambes. And therefore they will never stir hand nor foot, nor once step over a straw to worke any least annoyance to the Gospell. It is good sleeping alwayes, for these men in a whole skinne: And not much unlike to these party coloured sleepers, are the admonitorie protestants. For they, as the dutie of faithfull subjects doe bind them, living in a state of the Church reformed, and having libertie in externall government, and other outward orders to choose such as they thinke, in wisdome and godlinesse, to be most convenient for the state of their countrey, and disposition of the people, and having the consent of their godly Magistrates, to

Admonitory protestants by their owne doctrine, ought not to binde the Church, to a perpetuall government of prelacie.

that outward forme of iurisdiction, and deciding of Ecclesiasticall causes, these kinde of protestants, (I say) alwayes blowing out the trumpet of obedience, and crying an alarum of loyaltie to every ordinance of man; and gravely, wisely, and stoutly demeaning themselves against all the giddie heads, and fanaticall schismatikes, and wrangling spirits of our age, dare not (I trow) slip the collar nor cast off the yoke, dare not push with the horne; nor wince with the heele against the Gospell; If so bee by the authoritie of our Christian King, with the consent of his Parliament; the platforme of government (as he saith) devised by some of our neighbour Churches, but (as we and they themselves confesse) practised by the Apostles and Primitive Church, might bee received and established, to be the best and fittest order of government, for the Church of England, as well as it hath been a long time, and yet is of Scotland, and of most of all other Christian Churches. For if it be too great a bridle of Christian libertie (as they say) in things externall, to cast upon the Church of Christ, a perpetuall commandement, and if the Church have free libertie to make choise of what government soever, she thinketh convenient, then is she neither restrained at her pleasure, to forsake that which by long experience she hath found to be inconvenient, neither is she tyed still to retaine Archiepiscopeall, Episcopall, and Archidiaconall government, though for a long season the same have bene used. For that indeed might well and justly be said, be too to great a bridle of Christian libertie, when by necessitie there is cast upon the Church, such a perpetuall regiment of prelacy, as may not be removed. Wherefore if our continued Prelaticall discipline, whereby the liberty of the Church is taken away, by publike authority of the King and States might be discontinued, and libertie granted to the Church, to use the Apostolicall discipline, either our Admonitorie Protestants must yeeld, stoop, and obey, or els be found to be a wayward, contentious and a trouble generation.

And if these two former kinds of our people (which the land being divided into five parts make three at the least) shall every way bee supporters of unitie, and conformitie, to the Gospell, and no way disturbers of the peace, liberty and tranquillitie of the Church, what overthrow, or what dammage may the Gospell sustaine by the other parts? Yea though they should unite, linke and confederate themselves in one. For are they not weaker in power, poorer in purse, and of farre lesse reputation than the former? And yet neverthelesse, these parts are at such deadly feud one against the other, and at such an irreconcilable enmitie betweene themselves, that the case standeth now be-



betweene them, as sometimes it stood with *Cesar* and *Pompey*, not whether of them, should raigney; but whether of them should live. And how then can these parts thus divided, possibly agree together, against the other parts, so surely combined?

Besides, the first sort of these two sorts, whom it pleaseth our Protestants, the Admonishers, for difference sake to dubb with the Knights Hood of Precisians, or precise and puritane Protestants. Why? They are the onely and principall spokel-men and petitioners for the Apostolicall Discipline, required to bee planted. Nay these men, out of the holy Scriptures, so resolutely are perswaded, of the truth of Gods, conteyned therein, as without which, they know perfectly that the doctrine of the Gospell can never powerfully flourish, or be entertained with so high a Majestie in the hearts of men, as it ought to be. And as for the other sort, (the Papiſts I meane) alas that poore ratt, what overthrow can he worke to the Gospell, whose bane the Gospell hath wrought so long since? Alas this faint ghost is so farre spent; his disease growne so desperate, and his sicknesse, now at such an hay-now-hay, as all the phisicke of all the Phisitians in the world, can not recover his health, or once take away his head-ach. This silly snake, then having hissed out all his sting, spit out all his venome, and ungor-ged himsele of all his poyson, how can his skin, or how should his taile any, the Gospell? If therefore it might please the Admonishers, upon a revew of our State, our countrey, and our people, to cast such men, as be open enemies to the Gospell, into squadrons, causing them to march ranck by ranck, and troop by troop and delivering unto the King, a muster roule, of all the names, qualities and conditions of the principall popish recusants within the Realme (for none but such only can be suspected openly to band themselves against the Gospell) it is not to be doubted, but the least part of all the other foure parts would be as great in number, as these. And what then should the King and State feare the multitudes of Recusants, when one standing on the Kings side, should be able to withstand ten; and ten an hundred; and an hundred a thousand; and a thousand ten thousand papiſts. King *Asa* crying unto the Lord his God, that it was nothing with him, to help with many or with no power, and resting upon the Lord, overcame ten hundred thousand, and three hundred chariots, of the Ethiopians, and Labimes. For the eyes of the Lord behold all the earth, to shew himsele strong with them, that are of a perfect heart toward him: And when King *Joash* remembered not the kindenesse which *Iehoiads* the Priest had done unto him, but slew *Zeechariah* his sonne, the Lord delivered the King, and a very great Armie

Puritane  
protestants,  
can never  
overthrow  
the Gospell.

The Gospell  
hath over-  
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papist, there-  
fore hee can  
never over-  
throw the  
Gospell.

<sup>2 Chron. 14.</sup>

<sup>2 Chron. 24.</sup>

into the hands of a small company of the host of the King of *Aram*, who gave sentence against the King, slew all the Princes of *Judah* from among the people, and caried the spoyle of them unto *Damascus*. And thus much concerning the Admonitors proposition, *viz.* Whatsoever will draw with it many and great alterations of the state of Government, and of the lawes, the same may bring rather the overthrow of the Gospell, than the end that is desired; All which speech of his I affirme to bee but a vaine and trifling riddle, as the whole strength whereof resteth only upon a *may bee*. Whereunto if I should onely have spoken thus, and no more, *viz.* that many and great alterations, &c. might rather not bring an overthrow of the Gospell, &c. I suppose, and that upon good ground, that such ( *may*, might not bee ) might every way be as forcible, to disprove the one, as his ( *may bee* ) can any way be pregnant to prove the other.

And touching his assumption, *viz.* but the planting of the government, practised by the Apostles and Primitive Church, will draw with it many and great alterations, of the state of government and of the Lawes: If in this place bee understood, the state of Church government, and of the Lawes Ecclesiasticall now in use, then is the proposition true. And yet notwithstanding wee avow, the Gospell to bee so farre from incurring any overthrow by such an alteration, as thereby it is certaine, that the same shall more and more flourish, and bee perpetually established: by reason that this alteration should be made from that which by long experience, is known to be corrupt, unto that which is knowne by the holy Scriptures, to be pure and sincere. From a government (I say) and Lawes authorized, by tradition, and commandments of man alone, to a policie and Lawes founded and descended, by and from God himselfe.

But if the Admonitor, by the assumption meant to informe us, that the planting of the Apostolicall government will draw with it many and great alterations, of the temporall state of government, and of the temporall lawes, statutes, or customes of the Kingdome: then as before to his first, so now also to his second, I answer negatively: and affirme, that the planting of the said Apostolicall government, will not draw with it any the least alteration, of any part, of that temporall state of government, nor almost of any one common statute, or customary law of the Land, which may not rather be altered, than retained. For this platforme of government, we are able by the helpe of God, to defend the same generally, and for the most part, to bee most agreeable, and correspondent, to the nature, qualitie, disposition, and estate of our Countrey, People, Common weale, and Lawes, as in our particular answers,

The planting of the Apostolicall government will draw no alteration of the Lawes of the Realme with  
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swers, to his particular reasons shall more at large appeare. In all new, and extraordinary alterations, it is not only requisite to abolish all bad opinions out of the mindes of those that know not the drift of the enterprisers, but it is also necessary, that the defence of such alterations, be made forcible against the opposition of all gainesayers: we will descend to the particulars, and joyne issue with the Admonitor. And upon all allegations, exceptions, witnesses, and records to bee made, sworne, examined, and produced out of the holy Scriptures, and Lawes of the Land already settled, on the behalfe of our cause, before our Sovereigne Lord the King, his Nobles, and Commons in Parliament, we shall submit our selves and our cause to the Kings Royall, and most Christian judgement. In the meane time, we averre that not only the former clause of this admonitory bill, but that all other clauses following in the same bill, for the invaliditie, insufficiency, indignitie, and nullitie of them, are to bee throwne out and dismissed from the Kings Court, especially for that the particulars opened by the Admonitor, can not serve for any reasonable warning, to induce the common people, to rely themselves upon his, I am of opinion, to the which we plead at barre as followeth.

ADMONITION.

*First (saith he) the whole State of the Lawes of the Realme will be altered. For the Canon Law must be utterly taken away, with all Offices to the same belonging, which to supply with other Lawes and functions, without many inconveniences, would bee very hard: the use and studie of the civill Law, will bee utterly overthrowne.*

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ASSERTION.

When by a common acceptance and use of speech, these words (*whole State of the Lawes of the Realme*) are understood of the Common and statute lawes of the Realme, that is to say of the Kings temporall lawes, and not of Canon or Civill lawes, it cannot follow, that the whole state of the Lawes of the Realme should be altered, though the Canon and Civill Lawes, with all offices to the same belonging, should be utterly taken away and be wholly overthrowne. For no more could the Admonitor prove, the Canon or Civill Law, at any time heretofore, to have beene any part of the Lawes of this Realme, otherwise than only by 'suffurance of our Kings, acceptance, long use and

Canon and Civill Lawes no part of the Laws of the Realme, but only by suffurance.

'a 25. H. 8. C. 21. in the preamble.

custome of our people) than can any man prove a parsley-bed, a rosemary-twigge, or an ivie-branch, to be any part of the scite of the Castle of Farnham: And therefore he might aswell have concluded thus, the whole scite of the Castle of Farnham will be transposed: for the Boxetrees, the Heythorne Arbours, and the Quick-set hedges planted within the Castle-garden must bee removed and cast away: which were but a prooffe provelesse, and a reason reasonlesse. If then by the abrogation of the Canon or Civill Law, scarce any one part of the lawes of this Realme should be changed, what reason have we to thinke that the whole state of the lawes of the Realme must be altered? Besides, to conclude the whole, by an argument drawne *ab enumeratione partium*, and yet not to number the tenth part, (of such parts as were to bee numbered) is, I am sure, neither good logick nor good law. Moreover if all the Canon-law, (I mean all the Papall and forraigne Canon Law, devised and ordeined at Rome, or elsewhere without the Realme, and consequently all the Offices and functions to the same belonging) bee already utterly taken away, what hope of reward can Civilians expect from the use of such things as are within the compasse of that law? or of what efficacy is this argument, to prove an alteration, of any part of the lawes of this Realme, or that the studie of the Civill Law should be utterly overthrowne? For the whole state of the Lawes, properly called the Lawes of the Realme, hath stood and continued many years since the same Papall and Canon Law was abolished. And as touching the Civilians, for them to seeke after preferments, by Offices and functions of the Canon Law, is an embalement of their honourable profession, especially since farre greater rewards might very easily bee provided for them if once they would put to their helping hands, for the only establishment and practice of the Civill Law, in the principall causes now handled by them in the Courts called Ecclesiasticall.

An imbalement for civilians to have preferment by offices of the Canon law. The Canon law be abolished out of the realme and ought not to be used.

But how may it be proved, that the Papall and forraign Canon law, is already taken away, and ought not to bee used in England? For my part, I heartily wish, that some learned men in the Common Law, would vouchsafe to shew unto the King and Parliament, their cleare knowledge in this point. In the meane season, I shall not be negligent, to gather and set downe, what (in mine understanding) the Statute-Law hath determined thereof. By the statute of submission, 25. Hen. 8. revived 1 Eliz. (as the very words and letter of the petition and submission of the Clergy, of the body of the law, and of the provisos doe import) the very true meaning and intent of the King and Parliament, is evident and apparent to be thus as followeth; and

none

none other, *viz.* That such Canons, Constitutions, and Ordinances Synodall, or Provinciall, which before that time were devised and ordained, or which from thence forth should bee devised or ordained by the Clergie of the Realme, being not contrariant or repugnant, &c. should only, and alonely be authorized, and to be put in ure, and execution. And consequently, that all Canons, Constitutions, and Ordinances Papall, and made by forraigne power without the Realm, should wholly and utterly be abrogated, adnulled, abolished and made of no value. The words touching the petition, and submission, mentioned in that Statute, in substance, are these: Where the Kings humble and obedient subjects the Clergie, &c. have submitted themselves, and promised in *verbo Sacerdotis*, that they will never from henceforth presume to attempt, alledge, claime, or put in ure, any Canons, Constitutions, Ordinances, provinciall or other; or enact, promulge, or execute any new Canons &c. And where also divers Constitutions, Ordinances, and Canons Provinciall, or Synodall, which heretofore have beene enacted, and be thought not only to bee much prejudiciall to the Kings prerogative Royall, &c. the Clergie hath most humbly besought the Kings Highnesse, that the said Constitutions, and Canons, may be committed to the examination and judgement of his Highnesse, and of two and thirty persons of his subjects, &c. and that such of the said Canons, and Constitutions, as shall bee thought and determined by the said 32. persons, or the more part of them, worthy to be abrogated, and adnulled, shall be abolite, and of no value: and such other of the same Constitutions, and Canons, as by the said 32. persons, &c. shall be approved to stand with the Lawes of God, and consonant to the Lawes of this Realme, shall stand in their full strength and power, &c.

These are the words of the petition and submission, &c. the letter of the body of the Statute in effect is this: Be it therefore enacted, &c. That they, nor any of them, from henceforth shall presume to attempt, alledge, claime, or put in ure, any Constitutions, or Ordinances Provinciall, or Synodall, or any other Canons. And forasmuch as such Canons, Constitutions, &c. as heretofore have beene made by the Clergie of this Realme, can not, &c. by reason of the shortnesse, &c. be it therefore enacted, &c. that the Kings Highnesse, &c. shall have power, &c. and that the said 32. persons, &c. shall have power and authoritie to view, search, and examine the said canons, constitutions, &c. Provinciall and Synodal heretofore made, and such of them as the Kings Highnesse, &c. shall deeme and adjudg worthy to be continued and kept shall be from henceforth kept, &c. and the residue of the said Canons, constitutions, and ordinances provincial, which the K. Highnesse, &c. shall

No Canons provinciall or other to bee put in ure, therefore no papall canons in force.

Canons provinciall, heretofore enacted, being prejudiciall, are to bee abrogated.

No Constitutions, or Ordinances provinciall or other canons to bee alledged, therefore once they were all abolished.

The King and thirty two persons have no power to examine papall canons; therefore papall canons intended to bee wholly abolished.

Canons  
provinciall  
already  
made only  
on authori-  
ty by the  
proviso,  
therefore no  
papall Ca-  
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force.

never be put in execution within this Realme. These are the words of the body of the Law: the words of the Proviso are these: Provided that such Canons, Constitutions, Ordinances, and Synodals Provinciall, being already made, which be not contrariant, &c. shall now still be used and executed, as they were before the making of this Act, till such time as they be viewed, searched, &c. by which words of the petition, body of the statute, and proviso, three things seeme principally to be meant and intended. First an utter and absolute abolition of all Canons, Constitutions, Ordinances, and Synodals, before that time made by the Clergie within the Realme, or by any forraigne power within the Realme whatsoever: Secondly a view, search, and examination of all Canons, Constitutions and Ordinances Provinciall or Synodall before that time made by the Clergie within the Realm: And lastly, because the Church should not utterly bee destitute of all Canons, &c. (Provinciall or Synodall) a reestablishment, or reauthorisement of all such of the said Canons Provinciall or Synodall, as were not onerous to the people, contrariant or repugnant to the Lawes, Statutes, or customes of the Realme, nor pre iudiciall to the Kings prerogative Royall, was agreed upon, till the said Provinciall Canons, &c. were viewed, searched, and examined.

All Papall and forraigne Canon Law then, before that time made without the Realme, being once inhibited, to be attempted, alledged, claymed, or put in ure, and by consequence adnihilated, abolished and made voide: unlesse the same be againe revived and reestablished, remaine frustrate and adnulled still, and therefore ought not to be attempted, alleaged, claymed, or put in ure. Besides, it is plaine, that forraign and Papall Canon Law was never intended to be reauthorised, because the same Law was never committed to the view, search and examination of the King and 32. persons. The King therefore and 32. persons, by vertue of this act, not having any authoritie to view, search and examine any forraign Canon Law, though he and they, had deemed and adjudged any part of the same Law, worthy to have beene continued, kept and obeyed, yet neverthelesse had not the same beene of any force or validitie. For only such Canons, Constitutions, and Ordinances Provinciall or Synodall (being not contrariant, onerous or pre iudiciall to the King, to the Lawes, or to the people) were reestablished, as were committed. Besides, whereas about twenty yeares passed, divers Canons, Constitutions and Ordinances, as well Papall as Provinciall, were alleaged by him that collected an Abstract, against an unlearned ministry, against Dispensations for many benefices, against excommunication, and against Civill jurisdiction in Ecclesiasticall persons: the answerer,



swere, in the behalfe and maintenance of those abuses, challenged the author for not having proved his intent by law in force: affirming that the Canons and Lawes by him alleaged, were but pretended necessary and disguised lawes; that they were not inspired with the life of lawes; that such were fathered for lawes, as bee not Lawes; and that it remained by him to be discussed how many of them were to be called in truth, her Majesties lawes. The reason of all which his exceptions, he yeeldeth to be this: namely, that the Author ought to have proved them, not to have beene repugnant to the customes of the Realme, but to have beene in use and practice before the making of the act of submission. For he must prove (saith the Answerer) that they are not repugnant to the customes of this Realme, and shew us how they have beene used and executed here, before the making of the statute: yea he can say, that they are by law established among us. Which points saith he, because we learne by law, *quod facta non presumantur*, matters in fact, are not intended to be done; untill they be proved so: wee must still put him to his proofes, and in the meane time say, that he hath gaped wide to say nothing to the purpose, and that in his whole booke, he hath talked but not reasoned. All which asseveration of this Answerer, if the same be true, and, if this plea bee a good averment to bar the Author from having proved a learned ministerie to be commanded by the law; dispensations for many benefices to be unlawfull, excommunication by one alone to be forbidden; and civill government to bee unlawfull in Ecclesiasticall persons, then much more forcibly may this argument be retorted, upon all such as claime, alleage and put in use any portion of the forraigne Canon Law. For sithence it hath never yet beene proved, that the forraigne Canon Law, used and executed at this day, was accustomed and used 25. H. 8. then because wee learne by law (as he saith) *quod facta non presumantur*, wee must still put him, and his clients to their prooffe, and in the meane while tell them, that their Advocate hath twisted for them but a bad thread, when by his reason he hath untwined all their lawes, and broken a sunder the bands of their government. Moreover because it is not yet proved, that the forraigne and Papall Canon Law is not contrariant nor repugnant to the Lawes, statutes or customes of the Realme, nor derogatorie to the prerogatives of the regall Crown; nay because the contradictorie hereof is affirmed, and this denied: and because we learn by law (as he saith) that matters in fact, are not intended to be done till they be proved so, we must still put the upholders and executioners of this law, to their prooffe, and in the meane while tell them that the forraigne and Papall Law, is but a pretended necessary and disguised law,

Tir. pag. 1.  
& 2.  
The answerer unto the Abstra<sup>d</sup>. proveth by his reasons the Papall Canon law now used to bee abolished.

that it is not inspired with the life of Law, and that it is fathered by them to be such a Law, as is an headlesse, a fetherlesse and a necklesse arrow which is not fit to be drawne, or shot against any subject of the King. And from this voidance, abolition and nullitie of forraigne and papall Canon Law (because *sublato principali, tolluntur accessoria*) it followeth that all offices and functions of papall Archbishops; papall Bishops, papall Suffraganes, papall Archdeacons; papall Deanes and Chapters, papall Priests, papall Deacons, papall Subdeacons, papall Chancellors, papall Vicars generall, papall Commissaries; and papall Officials, meerey depending upon the authoritie, and drawne from the rules and grounds of that Law, are likewise adnihilated, and of no value. Howbeit for so much as by the opinion of some learned Civilians, there seemeth unto them, a necessary continuance of the same forraigne and papall Law, by reason that Archbishops; and Bishops doe now lawfully (as they say) use ordinarie Archiepiscopall and Episcopall jurisdiction, which they could not (as they thinke) doe, if the same common law were utterly abolished: and for so much also, as some learned in the Canon lawes, do maintaine, that since the statute of 1 *Eliz.c.1.* the Archbishop and Bishop cannot lawfully claim any ordinarie spirituall jurisdiction at all; but that the spirituall jurisdiction, to be exercised by them, ought to bee delegated unto them from the King, by a Commission under the great Seale: Forasmuch (I say) as there are these differences of opinions, it seemeth expedient to be considered, by what law, and by what authoritie, Archbishops and Bishops exercise Archiepiscopall and Episcopall power in the Church: And to the end this question may fully bee knowne, and no scruple nor ambiguitie be left, what power spirituall may be intended to be exercised by them: We distinguish spirituall power, into a power properly called spirituall; and into a power improperly or abusively called spirituall. Ther power properly called spirituall, is that spirituall power, which consisteth, and is conversant in preaching the Word; administering the Sacraments; ordaining and deposing Ministers; excommunicating or absolving; and if there bee any other spirituall power of the like property and nature. Now that this power properly called spirituall, could have beene drawne from the person of our late Sovereigne Lady the Queene unto Archbishops and Bishops, we deny. For the Queenes Royall person, being never capable of any part of this spirituall power, how could the same bee derived from her person unto them? *Nemo potest plus juris in alium transferre, quam ipse habet.* Archiepiscopall and Episcopall power therefore, exercised in, and about these mysteries of our holy Religion, ordinarily and necessarily

By the opinion of the Civilians, the papall Canon law seemeth to be in force.

Apology of certain proceedings in Courts Ecclesiastical.

Power properly, and improperly called spirituall. Queens Injunction, and execut. of justice.

Power properly called spirituall, was never in the Queenes person.



cessarily must belong unto the Archbishop and Bishop by the canon of the holy Scriptures; otherwise they have no power (properly called spirituall) touching these things at all. The power which improperly is called spirituall, is such a power, as respecteth not the exercise of any pastorall or ministeriall Church, to the internall begetting of faith, or reforming of manners in the soule of man; but is such a power, as wherby publike peace, equitie, and justice is preserved, and maintained in externall things, peculiarly appropriated, and appertaining unto the persons, or affaires of the Church; which power indeed is properly a temporall or civill power, and is to bee exercised onely by the authoritie of Temporall and Civill Magistrates. Now then to returne to the state of the point in Question touching this later power, improperly called spirituall, by what law, or by what authoritie the Archbishops and Bishops doe exercise this kinde of power in the Church: I answer that they cannot have the same, from any forraigne Canon Law, because the same Law, with all the powers and dependences thereof is adnulled: And therefore that this their power, must and ought to be derived unto them from Bb. where, From whence then is their power derived? Hereunto we answer, that (before the making of that act) spirituall jurisdiction did appertaine unto Bishops, and that Bishops were ordinaries, aswell by custome of the Realme, canons, constitutions, and ordinances provincial and synodall, as by forraigne canon law. And that therefore these canons, constitutions and ordinances provincial or synodall, according to the true intent of that act, could not still have been used and executed as they were before, if the Bishops had not still remained ordinaries. Moreover it is cleare by two statutes, that the Archbishops and Bishops ought to be obeyed in all manner of things, according to the name, title, degree, and dignitie, that they shall be chosen, or presented unto, and that they may doe and execute, minister, use, and exercise all and every thing and things, touching or pertaining to the office or order of an Archbishop or Bishop, with all ensignes, tokens and ceremonies thereunto lawfully belonging, as any Archbishop or Bishop might at any time heretofore do, without offending of the prerogative royall of the Crown, and the laws and customes of this Realm. Let it be then that by custome, canons provincial and statute law, Bishops be and do remaine ordinaries; yet aswell upon those words of the statute 25. H 8. without offending of the prerogative Royall, as upon the statute of 1. Eliz. cap. 1 there remaineth a scruple and ambiguitie, whether it be not hurtfull, or derogatorie unto the Kings Prerogative Royall; that Ordinaries should use and exercise their ordinarie power

Power im-  
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Bishops re-  
maine ordi-  
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Canons, &  
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25. h. 8. c.  
22.  
25. h. 8. c.  
10.

The Queen  
was su-  
preme ordi-  
nary of or-  
dination.

Pag. 348.

Pag. 174. &  
170.

1 Eliz. c. 1  
& 8 Eliz.  
c. 1.

(improperly called spiritual) without a commission under the great Seale, or that such their power should be as immoderate, and excessive now, as in times past it was by the Papall Canon law? Concerning the first, by the Statute of 1 *Eliz. c. 1.* and by the Statute of 8 *Eliz. c. 1.* the Queene was recognized to be in effect the Ordinarie of Ordinaries, that is the chief supreme and soveraign Ordinary over all persons, in all causes, as well Ecclesiasticall as Temporall. Where it seemeth to follow, that all the branches, and streams, as well of that power which improperly is called spiritual, as of that power which properly is called temporall, should have beene derived originally unto the Bishop from her Highnesse person, as from the only head and fountain of all the same spirituall power within her Kingdomes, in such manner and form, and by such commission under the great Seal, as her *H.* temporall Officers, Justicers and Judges, had their authorities committed unto them. And to this opinion Master D. *Bilson* seemeth to accord. For all power (saith he) is not only committed to the sword, which God hath authorised, but is wholly clofed in the sword. Against the head, that it shall not be head, to rule and guide the feet, can be no prescription; by reason Gods Ordinance, for the head to governe the body, is a perpetuall and eternall law: and the usurpation of the members against it, is no prescription but a confusion, and the subversion of that order, which the God of heaven hath immutably decreed and serled. Besides there resteth (saith the Remonstrance) unto the Bishops of this Realme, none other but subordinate, and delegate authoritie: and that the matter and heads wherein this jurisdiction is occupied, are by, and from the Christian Magistrates authoritie: In whom, as supreme Governour, all jurisdiction, within her Dominions, as well Ecclesiasticall as Civill, by Gods and mans law is invested, and their authoritie Ecclesiasticall is but subordinate under God and the Prince, derived for the most part from the Prince. From which two Statutes and judgements of the governours of the Church contained in these two bookes (for these two books were seen and allowed by the Governours of the Church) I leave it to be considered, if the Bishop did exercise the same improper and abusive spirituall power and jurisdiction Ecclesiasticall only and alonely, in their owne names, stiles and dignities, and under their own seales of office, and that also by authoritie of forraign and Papall laws; if (I say) the Bishop did these things, after this and this manner, I leave it then to be considered, whether their exercise of such power were derogatory and prejudiciall in a very high degree, to the prerogatives of the Royall Crown or not. For my part because I finde by the forraign Canon Law, that Papall Bishops bee the Popes sonnes, and are priviledged

to carry the print and image of the Pope their father, namely, that they have *plenitudinem potestatis* within their Diocesses, as the Pope pretendeth to have power over the whole world: For *quislibet ordinarius* saith the same law in *sua Diocesi est major quolibet principe*, and because also (notwithstanding whatsoever the B b. have written, that they were the Queenes B b and had their authoritie derived unto them from the Queene) they did in her life time, put the same Papall Law in execution, and by the same law did take upon them, *plenitudinem potestatis*, within their Diocesses: I for my part (I say) can not as yet otherwise conceive, but that exceedingly they did intrude themselves into the Royall preeminences, priviledges, and prerogatives of the Queene. For by what other authoritie, than by a certaine plenarie power, did they in their owne names, for the government of their severall Churches within their severall Diocesses, from time to time, make, promulge, and by vertue of mens corporall oathes put in execution, what new Canons, Injunctions, and Articles soever seemed good unto them, without any licence or confirmation from the Queene, first had and obtained thereunto? By which pretended plenarie power, it seemeth that the statute made to bring the Clergie in submission to the King, was covertly deluded, and our late Sovereigne Lady the Queene, cunningly bereaved of that regall authoritie, over every particular Dioceſan, or Ordinarie, which notwithstanding, by the Parliament was given unto her Highnesse, over the whole body and state of the Clergie. For if once there bee no necessitie of the Kings licence, assent, or confirmation to such Articles, Canons, or Injunctions, as every Ordinarie shall make within his jurisdiction, then must it be intended, that the Statute of submission hath covertly permitted, severall members, severally to doe, and to execute those things which apparently, and in expresse terms, the whole convocation was commanded, and with the same, in *verbo sacerdotii*, had promised, not to doe: then the which what can seeme more unreasonable and absurd? For then might all the Ordinaries joyne hand in hand, and agree all together in one, never in any of their convocations assembled, by the Kings Writ, to devise, make, or promulge any Canons Ecclesiasticall at all. And what assent, licence, or confirmation from the King, could then be needfull? Or how then was the Clergie, brought in submission to the King? For then, should it not be with them, as it is in the proverbe; A threefold cord is not easily broken: but then should it be with them, contrary to the proverbe; for they being all fast knit and bound together unto the Kings authoritie, by a cord of twenty foure threads, might easily be broken; but being severed.

Ex de Ma-  
jor. & obe.

M. Bilson  
Pag. 330.

The Bb. by  
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can make  
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out leave.  
And yet e-  
very B.  
doth make  
many laws

A collection  
made a-  
gainst the  
former rea-  
son by an  
Apologie  
for sundry  
proceed. by  
jurisdi. Ec-  
pag. 5.

red and pluckt assunder, into twenty foure parts, one from the other, the King with all his regall power, might not be able so much as to break one of the least threads, wherewithall one of their cords was twisted. If the Lord Major, the Sheriffs, Aldermen, and whole communaltie of the Citie of London, should promise unto the King upon their fidelities, not to set any price upon Wines or other victuals, by their common Councell, within the said Citie, unlesse the King under his privie signet, should first authorize them so to doe, were it not a meere collusion of the Kings meaning, if every particular Alderman, should set prices of such things in every particular ward? But against the collection made from the Statutes, 1 & 8 Eliz. and the judgement of the divines aforesaid, the author of an Apologie, to his understanding, reckoneth the same collection to be a very simple collection, and against the same, he answereth and reasoneth in effect thus.

*If (as is collected) all power spirituell, by a commission under the great Seale must bee derived from the Queene, to warrant the execution of it unto him, that is, to exercise it; then must the like warrant bee procured, for every temporall office, to execute his temporall office. But every temporall officer, must not procure like warrant to execute his temporall office.*

*Therefore a Commission under the great Seale, must not be procured to Warrant the execution, of the said spirituell power.*

The consequence, of his major proposition being false, he laboureth notwithstanding to make the same good, and in effect for the same argueth thus:

*All temporall authoritie, as absolutely and as really, is revested in the person of the Queene, as is the said spirituell authoritie.*

*Therefore as all spirituell Officers, for the execution of the said spirituell power; must have their authoritie, derived unto them from the person of the Queene under the great Seale, so likewise must all temporall officers, for the execution of their temporall offices, have the like commission.*

The consequence of which enthimeme followeth not, though the antecedent be true. For although as well all temporall, as all the said spirituell authoritie improperly so called, was really and absolutely in the person of the Queene; yet hereupon it followeth not, that by one and the selfe same meanes alone, and namely, by a commission under the great Seale, all temporall and the said spirituell power, in every part and branch thereof, should be drawne alike, from the Queenes person. For there be divers and sundry meanes, to derive temporall authority, wheras there seemeth to be but one only means to derive the said spirituell

small authoritie, and then marke the substance of the authors argument.

*Some temporall Officers, as Stewards of Leets, Constables, and sundry other Officers, must not draw their temporall authoritie from the Queen by a Commission under the great Seale.*

*Therefore no spirituall Officers, as Archbishops, Bishops, Archdeacons, and sede vacante, Deanes and Chapters must draw any of their spirituall authoritie from the Queen by a Commission, &c.*

Which argument drawne from a particular affirmative, unto a generall negative, what weaknesse it hath, every young Logician can discern. And as for Stewards of Leets, though they have no Commission under the great Seale, yet for the execution of their Stewardships they have a Commission under the Seale of the Exchequer, Constables, Decennary or Tythingmen, and Thirdboroughs, have their authorities derived unto them from the Kings person, by the very originall and institution of their offices, Sheriffs of Countreies, Coroners, Escheators, and Verderors, have their offices and their authorities warranted unto them, by the Kings writs out of the Chancerie. But it was not the minde of the Law-makers (saith the Author) that the Ordinaries, by a commission under the great Seale, should draw their said spirituall power from the Queen. What the mindes of the Law-makers were, touching this point, it mattereth little or nothing at all. Neither is it to purpose, whether a commission under the great seale, be necessarily required, or not required by vertue of that statute, 1 Eliz. c. 1. to warrant the said spirituall power unto Ordinaries. Only it sufficeth, that the Queen having all power, improperly called spiritual, invested in her Royall person, and being really and actually seised of all the said supreme spirituall authoritie, could not have any part of the same spirituall power drawne from her, but by some one lawfull and ordinarie meanes or other. For if this rule be true in every common person, *quod meum est, sine mea voluntate à me auferri non potest*; how much more doth the same rule hold, in the Royall prerogatives, rights, priviledges, dignities, and supremities of a King? wherefore to say that all supreme and ordinarie power (improperly called) spirituall, was really and actually inherent in the Royall person of the Queen, and to say also, that some of the same inferiour, and ordinarie power, not derived from the Queen, was nevertheless in the persons of inferiour ordinaries, is as much to say, that some branches of a tree, may receive nourishment from elsewhere than from the root; that some members of the bodie, are not guided by the head; and that some streames, flow not from their fountaines. And now to conclude this part, against the Canon Law, and their Offices and functions thereof, I dispute thus:

Though all temporall officers draw not their power from the King by the great seale, yet by one meanes or other without draw from the King.

*An Assertion for true*

*The forraign and papall canon law, with all the accessories, dependances, offices, and functions thereof, is utterly abolished out of the Realme:*

*Therefore the same law is no part of the lawes of the Realm; and therefore also it is evident, that there will not follow any alteration of the Lawes of the Realme, by the taking of it away.*

Challenge  
for Lordly  
primacy,  
out of the  
great Charter,  
answered.

Mag. Char-  
ter. c. 1.

Which Canon Law also, with other lawes and functions, how easily the same without any inconveniences, may bee supplied, shall (God willing) be presently made apparant, if first we shall answer to that challenge, which the state of Prelacie may seeme to make for the continuance of their Lordly primacie, out of the words of the great Charter. Concerning which challenge, namely, that by the great Charter, Lordly Archiepiscopall, and Episcopall primacie or jurisdiction belonging to the state of Prelacie, is belonging unto them: I demand unto what Church this great Charter was granted? And whether it were not granted unto the Church of God in England? The words of the Charter are these: *Concessimus Deo, & hac presenti Charta nostra confirmavimus, pro nobis & heredibus nostris, in perpetuum, quod Ecclesia Anglicana libera sit, & habeat omnia jura sua integra, & libertates suas illasas.* We have granted unto God, and by this our present writing have confirmed for us, and for our heires for ever, that the Church of England be free, and that she have all her rights, and liberties whole and unhurt. Now by this Charter, if the same bee construed aright, there is provision made; first, that such honour and worship be yeelded by the King and his subjects, his and their successors and posteritie unto God, as truly, and indeed belongeth unto him: Secondly, that not only such rights and liberties, as the King and his progenitors, but also that such as God had endowed the Church of England with should inviolably be preserved. And in very deed, to speake truly and properly such rights and liberties only, are to be called, the rights and liberties of the Church of England, which God himselfe hath given by his Law unto his universall Church, and not which the Kings of England, by their Charter, have bequeathed to the particular Church of England. When therefore question is made that by the great Charter, the Kings of England are bound to maintaine the rights and liberties of the Church of England, wee are to enquire and search what rights and liberties, God in his holy word, hath granted unto his universall Church; and so by consequence unto the Church of England, one part of the Catholike Church. And this questionlesse was the cause, that moved the victorious Prince Henry the eight, so effectually and powerfully to bend himselfe against the Popes supremacie, usurped that time over the Church of England.

For



For (saith the King) we will with hazard of our life, and losse of our Crowne, uphold and defend in our Realmes whatsoever wee shall know to be the will of God. The Church of God then in England, not being free, nay having her rights and liberties according to the great Charter, whole and unhurt, but being in bondage and servitude to the Sea of Rome, contrary to the Law of God; the King judged it to stand highly with his honour, and with his oath (according to the measure of knowledge, which then was given unto him) to reforme, redresse, and amend the abuses of the same Sea. If then it might please our gracious Sovereigne Lord King *James*, that now is (treading in the Godly steps of his renowned great Vncle) to vouchsafe an abolishment of all lordly primacie, executed by Archiepiscopall, and Episcopall authoritie, over the Ministers of Christ; His Highnesse in so doing, could no more rightly bee charged with the violation of the great Charter, than might King *Henry* the eight with the banishment of the Popes supremacie; or than our late Sovereigne Ladie the Queene could be justly burthened with the breach of her oath, by the establishment of the Gospell. Nay if the Kings of England, by reason of their oath, had beene so straightly tyed to the words of the great Charter, that they might not in any sort, have disannulled any supposed rights, and liberties of the Church then used and confirmed by the great Charter, unto the Church that then was supposed, to be the Church of God in England; then belike King *Henry* the eighth, might be attainted to have gone against the great Charter, and against his oath, when by the overthrow of Abbies and Monasteries, he tooke away the rights and liberties of the Abbots and Priors. For by expresse words of the great Charter, Abbots and Priors, had as ample and as large a Patent, for their rights and liberties, as our Archbb. and Bishops can at this day challenge for their primacies. If then the rights and liberties of the one, as being against the law of God, be duly and lawfully taken away, notwithstanding any matter, claue or sentence, contained in the great Charter; the other have but little reason by colour of the great Charter, to stand upon their pantofles, and to contend for their painted sheathes. For this is a rule and maxime in all good lawes, that in *omni juramento semper excipitur autoritas majoris*: unlesse then they bee able to justifie by the holy Scriptures that such rights and liberties, as they pretend for their spirituall primacie over the Ministers of Christ, to be granted unto them by the great Charter, bee in deed and truth likewise confirmed unto them by the holy Law of God: I suppose the Kings Highnesse, as a successor to K. *Henry* the third, and as a most just inheritour to the Crown of England, by the

words of the great Charter, and by his oath (if once the same wer taken) to be bound utterly to abolish all Lordly primacie, as hitherto upheld and defended, partly by ignorance, and partly by an unreasonable and evill custome.

#### ADMONITION.

*The use and studie of the Civill Law will be utterly overthrown, for the Civilians in this Realme, live not by the use of the Civill law, but by the Offices of the Canon Law, and such things as are within the compasse thereof. And if you take those offices, and functions away, and those matters, wherein they deale in the Canon Law, you must needs take away the hope of reward, and by that meanes their whole studie,*

#### ASSERTION.

This collection dependeth upon his former Reason, and is borrowed to prove a necessarie continuance of Canon Law, and concludeth in effect thus :

*The taking away of the reward and maintainance of Civilians, will be the overthrow of the use and studie of the civill law:*

*But the taking away of the Canon Law, the offices and functions thereof, and such things as are within the compasse of the same, will bee the taking away of the reward and maintainance of Civilians.*

*Therefore the taking away of the Canon Law, will be the overthrow of the use and studie of the Civill Law.*

The maintenance of Civilians, dependeth not upon the functions of the Canon law.

But we deny the assumption, and affirme that Civilians might have farre better reward and maintenance than now they have, if the offices and functions of the Canon Law, and such things as are contained within the same, were simply and absolutely taken away. And further we say, if there were none other use, nor end of the studie of the Civill Law, than hope of reward, and maintenance by some office and function of the Canon Law, that then Civilians should in vaine seeke for knowledge in the Civill Law, because without the knowledge thereof, and by the onely knowledge of such things, as are within the Compasse of the Canon Law, they might reape that reward and maintainance. Nay sithence by experience we have known that some, who never unclasped the institutions of *Iustinian*, out of the same to learne the definition of Civill Justice, have bene and yet are authorized, to exercise the offices and functions of the Canon Law; who

how should the studie of the civill law, be furthered by these offices and functions, when as without any knowledge of the civill law, these offices and functions have beene and yet are daily undertaken, and executed to the full? And what man then (if there were none other reward for Civilians) would ten or twelve yeares together, beat his braine, and trouble his wits, in the studie of the Civill Law, when every silly Canonist might bee able and learned enough, to sit in the Bishops throne, and to be judge in his Consistorie? Besides, if the Admonitor speake sooth, *viz.* that Civilians in this Realm, live not by the use of the civill Law, to what end then should he feare an overthrow of the studie thereof? For if there be no use of it in this Realme, for the maintenance of this life, to what use then should men studie the same in this Realme? As for the use of it among strangers, and forraigne nations without the Realme; the same (as I suppose) is no greater than such as 3. or 4. Civilians may be able well enough, fully to deliver the law, touching all matters of controversie, that may grow to question during the whole space of a Kings raigne. If no man lived in this Realme by the trade of brewing Beere, but that all Brewers did live by the trade of Brewing Ale, what should we need to feare the decay of Beere-brewers, or what use were there of them? in like sort, if men live only by the use, offices and functions of the Canon Law, and that men live not (as he saith) by the use of the Civill law within the Realme, what folly were it to studie the one, whereas without the knowledge thereof, he might live by the other? And therefore it seemeth that the Admonitor by his owne weapon, as much as in him lay, hath given the whole studie of the Civill Law, a most desperate and deadly wound. And to the end we may understand what reward and maintenance, Civilians by the Offices and functions of the Canon, do receive yearly for their service and attendance, in the Bishops and Archdeacons their Courts; Wee will examine what fees Doctors of the civill law, being Chancellors, Commissaries or Officials, have usually, and ordinarily allowed unto them, by their Lords and Masters. Fees for probat of Testaments, granting of administrations, with their appendances, of late years in some places (whether in all or how many I know not) have beene demised unto farm for an annuall rent; out of which, either a small or no portion at all, have beene allowed unto the Chancellor or Officiall, for his service, in this behalf. Whereupon (as I conjecture) it hath fallen out, rather than that those Officers would worke, keepe Courts, and travaile for little or nought, ther have been exacted greater fees, for the dispatch of these things, than by law ought to have bin paid. Perquisites of courts

Fees for  
probat of  
testaments  
let to farm.

arising upon suites, commenced betweene partie and partie, it must be a plentiful harvest, and there must be *multi amici curie*, in a Bishops consistorie, if ordinarily (*communibus annis*) they amount in the whole to twenty pounds by the yeare : and yet these perquisites, belong not wholly to the Chancellor, but are to be devided between him and the Register. And touching fees for excommunication, and absolution, fees for institution and induction, licences to preach, licences for Curats and Readers. For testimoniall of subscription, or licences to marry without banes ; fees for commutation of penance, and fees for relaxation of sequestrations : touching these manner of Fees, if the same be fees no way warrantable, how are not then such fees every way dishonourable for a Doctor of the Civill law, to take, either of Ministers or people ? There must be therefore some other hope of better reward and maintenance, to incite and incourage schollars ; to the studie of the civill law, than are these beggerly and unlawfull fees, depending upon the functions, and exacted by the Officers of the Canon law : or els the use of the civill law (as the Admonitor saith) must necessarily in short time be overthrowne. For if Fees for probat of Testaments, and granting of administrations with their appendices, shall still be let to farme ; and if also, many unlawfull fees were quite inhibited, there would remaine (I trow) but a very poore pittance for Civilians out of the functions of the Canon law, to maintain their Doctoralities withall. But what better reward can there bee for Civilians, than hath already beene mentioned ? If the Admonitor had not willingly put a hood wincke before his eyes, he might have seene that the Civilians live not wholly and altogether by the practice of the Canon Law ; but partly also, and that most honourably by the use of the Civill law. If a Doctor of the Civill Law, be judge or Advocate, in the Court of Admiraltie ; if he be Judge or Advocate in the Prerogative Court, so farre as the same Court handleth only matters of Legacies, Testaments and Codicills, to what use can the Canon Law serve him, or what advantage can the same Law bring him in ? Beside to what use serveth the Canon Law unto a Doctor of the Civill Law, if he shall finde favour in the Kings sight, and if it please the King to make him one of the Masters of his Requests, or one of the twelve Masters of his high Court of Chancery, or to be the Master of his Rolls ; or to be his Highnesse Embassador unto forraigne Nations, or to be one of his Highnesse most honourable privie Council, or to be one of his principall Secretaries. It followeth not therefore (as the Admonitor pretendeth) that either the Civilians in this Realme, live not by the use of the civill law but by the offices, and functions of the Canon law, and such things as

are

Fees due  
for the execution  
of the functions  
of the canon law,  
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for a  
Doctor of  
the civill  
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Civilians in  
England  
live not only  
by the  
functions of  
Canon law.

are within the compasse thereof; or that the hope of reward, and by that means, the whole studie of the Civill Law must be taken away, if once the Canon Law should be abolished. Neither would it bee any hard matter for the King (if the Civilians might find grace in his sight) to appoint Courts, Offices, and all manner of proceſſe and proceedings in judgement for Doctors of the Civill Law, to heare and determine in the Kings name, all cauſes being now within the compaſſe of any Civill or Eccleſiaſticall Law within this Realme. And although a little candle can give but a little light, and a ſmall Spring can ſend forth but a ſmall ſtreame, yet becauſe great fires are kindled ſometimes by little ſparkles, and ſmall ſtreames meeting together, may in time grow into great rivers; I ſhall deſire the great Civilians with their floods and lamps of learning, to help forward ſuch a law, as whereby the ſtudy of the Civill Law, may be upholden, the reward and maintenance of Civilians, without any ſunction from the Canon Law, may be enlarged, many controversies, and diſorders in the Church, may be pacified, and the Kings Prerogative Royall bee ducly advanced. Which things if it might pleaſe them rightly to conſider, then let them humbly and ſeriously beſeech our Sovereigne Lord the King, and States in Parliament, to give their conſents to ſuch a Law, as the project enſuing, may warrant them, the ſame not to bee dangerous to the overthrow of their civill ſtudies.

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**The Project of an Act for the explanation  
and amplyfying of one branch of a Statute, made  
in the first year of the raign of Queen ELIZABETH, entitu-  
led, An Act restoring to the Crowne, the ancient jurif-  
diction over the state Ecclesiasticall, and also for  
the declaring, and reviving of a Statute made in the  
first year of King EDWARD the sixth, enti-  
led, An Act, what seales and stiles Bi-  
shops and other spirituall per-  
sons exercising jurisdic-  
tion Ecclesiasticall,  
shall use.**

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**F**Orasmuch as by one branch of an Act made in the first yeare of our late Sovereign Ladie of blessed memorie, Queen *Elizabeth* (entituled an Act, restoring to the Crowne the ancient jurisdiction over the state Ecclesiasticall and Spirituall, and abolishing all forraign power repugnant to the same) it was established and enacted, That such jurisdictions, priviledges, superiorities, and preeminences Spirituall and Ecclesiasticall, as by any spirituall, or Ecclesiasticall power, or authority, hath heretofore beene, or may lawfully be exercised, or used, for the visitation of the Ecclesiasticall state and persons, and for reformation, order and correction of the same, and of all manner errors, heresies, schismes, abuses, offences, contempts and enormities, should for ever, by authoritie of that present Parliament, be united and annexed, to the imperiall Crown of this Realm, by means whereof, it may now be made a question, whether any Archbishops or other Ecclesiasticall persons, having since that time used or exercised any such spirituall or Ecclesiasticall jurisdiction in their owne right, or names, might lawfully have done, or hereafter may lawfully do the same, without speciall warrant, and authoritie derived immediately from your highnesse, by and under your Highnesse letters patents: And whereas also by a statute made in the first yeare of King *Edward* the sixth, entituled, an Act what seales and stile, Bishops, or other spirituall persons shall use, it was ordained, that all and singular Archbishops and Bishops, and others exercising Ecclesiasticall jurisdiction, should in their



their proceſſe uſe the Kings name and ſtile, and not their owne: and alſo that their Seales ſhould be graved with the Kings arms: And forasmuch alſo, as it muſt be highly derogatorie to the imperiall Crowne of this your Highneſſe Realme, that any cauſe whatſoever Eccleſiaſtical or temporall, within theſe your Highneſſe Dominions, ſhould bee heard or adjudged, without warrant or commiſſion from your Highneſſe, your heires and ſucceſſors, or not in the name, ſtile, and dignity of your Highneſſe, your heires and ſucceſſors; or that any ſeals ſhould be annexed to any promiſe, but onely your Kingly ſeale and armes: May it therefore pleaſe the King at the humble ſupplication of his Commons, to have it enacted, That the foreſaid branch of the foreſaid Act made in the firſt yeare of Queene *Elizabeth* her raigne, and every part thereof may ſtill remaine, and for ever bee in force.

And to theend, the true intent and meaning of the ſaid ſtatute, made in the firſt yeare of *K. Edw.* the ſixth, may be declared and revived, that likewiſe by the authoritie aforeſaid, it may be ordained, and enacted, that all and ſingular Eccleſiaſtical Courts, and Conſiſtories, belonging to any Archbiſhops, Biſhops, Suffraganes, College, Deane and Chapter, Prebendarie, or to any Eccleſiaſtical perſon or perſons whatſoever, and which have heretofore bene commonly called, reputed, taken or knowne to be Courts or Conſiſtories, for cauſes of inſtance, or wherein any ſuite, complaint or action, betweene partie and partie, for any matter or cauſe wherein judgement of law civill or Canon, hath bene or is required, ſhall and may for ever hereafter be reputed, taken, and adjudged to be Courts, and judgement ſeates meere Civill, ſecular and temporall, and not henceforth Eccleſiaſtical or Spirituall; and as of right belonging and appertaining to the Royall Crowne and dignity of our Sovereigne Lord King *James* that now is, his heires and ſucceſſors for ever. And that all cauſes of inſtance and controversies, betweene partie and partie, at this day determinable in any of the ſaid Courts, heretofore taken and reputed Eccleſiaſtical, ſhall for ever hereafter bee taken, reputed, and adjudged to be cauſes meere Civill, ſecular; and temporall, as in truth they ought to bee, and of right are belonging and appertaining to the juuriſdiction of the Imperiall crown of this Realme.

And further, that your Highneſſe Leige people, may bee the better kept in awe, by ſome authorized to bee your Highneſſe Officers and Miniſters to execute juſtice in your Highneſſe name, and under your Highneſſe ſtile and title of King of England, Scotland, France

and Ireland, defender of the Faith, &c. in the said Courts and Consistories, and in the said causes and controversies: Be it therefore enacted by the authorities aforesaid, That all the right, title, and interest, of, in, and to the said Courts and Consistories, and in and to the causes and controversies aforesaid, by any power, jurisdiction, or authoritie heretofore reputed Ecclesiasticall (but by this Act adjudged civill, secular and temporall) shall for ever hereafter, actually and really, be invested and appropriated in and to the Royall person of our Sovereaigne Lord the King that now is, his heires and successors, Kings and Queenes of this Realme. And that it shall and may be lawfull to, and for our said Sovereaigne Lord and King, his heires and successors, in all and every Shire and Shires, Diocesse and Diocesses, within his Highnesse Dominions and Countries, by his and their letters patents under the great Seale of England, from time to time, and at all times to nominate and appoint, one, or more able and sufficient, Doctor or Doctors learned in the Civill Law, to bee his and their civill, secular, and temporall Officer, and Officers, Minister, and Ministers, of justice in the same civill, secular, and temporall Courts and Consistories, which in and over his, and their royall name, stile, and dignitie, shall, as Judge, and Judges, doe performe, and execute all and every such act, and acts, thing and things whatsoever, in and about the execution of justice and equitie in those Courts, according to the course and order of the civill Law, or the Ecclesiasticall canons, and constitutions of the Realme, as heretofore hath bene used and accustomed to bee done, by, for, or in the name of any Archbishops, Bishops, Colledge, Cathedrall Church, Deane, Archdeacon, Prebendary, or any other Ecclesiasticall person or persons whatsoever: And that all and every such civill, secular and temporall Officer, and Officers, Minister, and Ministers, Judge, and Judges, in his and their proesse shall use one manner of Seal only and none other, having graved decently therein your Kingly armes, with certaine characters for the knowledge of the Diocesse or Shire: And further be it enacted, &c. That it shall and may be lawfull, by the authoritie aforesaid, for our said Sovereaigne Lord the King, his heires and successors, from time to time, and at all times, to nominate and appoint, by his and their Highnesse Letters Patents, under the great Seale of England, for every Shire and Shires, Diocesse and Diocesses within his or their highnesse Dominions, one or more able and sufficient persons, learned in the Civill Law, to be his and their Notarie and Notaries, Register and Registers, by him and themselves, or by his or their lawfull Deputie or Deputies, to doe, performe, and execute

sent all and every such act and acts, thing and things, as heretofore the Courts and Consistories Ecclesiasticall aforesaid, hath bene, and now are incident and appertaining, to the office of any Register or Notarie. And further at the humble suite of the Commons, &c. it may please the King, to have it enacted, that all and singular matters of Wills and Testaments, with all and every their appendices, that all and singular matters of Spousals and Marriages, with their accessories, that all and singular matters of defamation heretofore determinable in the Ecclesiasticall Courts (and if there bee any other causes of the like meere civill nature) shall bee heard, examined, and determined by the said civill and secular Officers and Judges in the said civill and secular Courts, according to the due course of the civill Law, or statutes of the Realme in that behalfe provided. And that all matters of Tythes, Dilapidations, repaire of Churches, and if there bee any other of like nature, with their accessories, and appendices, shall be heard, examined, and determined, by the said civill and secular Officers and Judges, in the said Civill and Secular Courts, according to the Kings Ecclesiasticall Lawes, Statutes, and customes of the Realme, in that behalfe heretofore used, or hereafter by the King and Parliament, to be established.

And at the humble suite of the Commons, may it please the King to have it further enacted, That all manner of fees heretofore lawfull, or hereafter by the King and Parliament to be made lawfull, for or, concerning the probat of Wills; administration of the goods of the intestat; letters of tuition; receiving or making of accompts, inductions to Archbishopricks, Bishopricks, Deanries, Parochiall-Churches, or other spirituall promotions, and all other fees whatsoever heretofore lawfull, or hereafter to be made lawfull, for any travaile or paine to be taken in or about the expedition or execution of any of these causes, shall for ever hereafter be fees, and allowances appropriated to the Judges, and principall Registers of the said Courts, equally to be divided betweene them, as heretofore hath bene accustomed; and that the said Judges and Ministers, within their severall charges, shall be Collectors of the Kings tenths and subsidies, granted and due by the Clergie, taking for their travaile and paine, in and about the same collection, such fees as heretofore have bene accustomed. Provided alwayes, that none of the said civill and temporall Officers and Ministers, nor any of them, for any offence, contempt or abuse, to be committed by any person, or persons, in any wise incident to any of the said Courts and Consistories, suspend, excommunicate, or interdict any person or persons, but shall and lawfully may by authority

of this present Act, proceed against every offender, and offenders by such ordinarie processe, out of the said Register or Notaries office, as is used upon a *sub-pena* out of the high Court of Chancery, and there upon default, or contempt, to proceed to attachment, proclamation of rebellion, and imprisonment of the partie offending, as in the said high Court of Chancery is used. Provided also, that all appeales, hereafter to bee made, from all and every Court, and Courts in the Shires and Diocesess of the Countrey, shall bee made to the higher Courts, as heretofore hath beene accustomed, only with an alteration, and addition of the names, stiles and dignities of Archbishops, Bishops and other Ordinaries, unto the name, stile and dignitie of our Sovereigne Lord the King, his heires and successors. And that upon the appeales, so to be made, it shall and may be lawfull, for the Judges and Ministers of Justice, of and in the said higher Courts, to make out all manner of processe, and processees, and to do and execute all and every act and acts, thing and things, for the furtherance of Justice, in the causes aforesaid, as to them shalby the law seem equal, right, meet, and convenient; any law statute, privileged, dispensation, prescription, use or custom, heretofore to the contrarie in any wise notwithstanding. Provided also that all and everie such Judge and Minister, that shall execute any thing by vertue of this Act, shall from time to time obey the Kings writ, and writs of prohibition, of attachment upon prohibition and indicavit, and not to proceed contrary to the tenour of such writ or writs, in such and the same manner and form, and condition, as they have or ought to have done be'ore the making of this Act, any thing in this Act to the contrary notwithstanding. Provided also that this Act or any thing therein contained, shall not extend or be interpreted to give any authoritie to the said Judges and Officers, or any of them, to put in execution any civill or Ecclesiasticall law, repugnant or contrariant to the lawes, statutes, or customes of the Realme, or hurtfull to the Kings Prerogative Royall.

And thus it may seeme to be but a small labour, a little cost, and an easie matter, for the King, his Nobles and Wisemen of the Realme, to devise formes of judgement, and manner of processe, and proceedings, without any offices or functions of the Canon law, whereby the use and studie of the Civill Law, and the reward and maintenance for Civilians, might be furthered and increased, and not utterly overthrown and taken away; as the Admonitor uncivily beareth us in hand. As for the alteration of the censure of excommunication for contumacy mentioned in this project, we have the consent of the reverend Bishops in this admonition, that the same may be altered. For the Admo-

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nitor their Prolocutor speaketh on this wise, *viz.* As for the excommunication practised in our Ecclesiasticall Courts for contumacie, in not appearing, or not satisfying the judgement of the Court, if it had pleased the Prince, &c. to have altered the same at the beginning, and let some other order of processe in place thereof; I am perswaded (saith he) that the Bishops and Clergie of the Realme would have bene very well contented therewith. And speaking of a certain manner of civill discomoning used in the Church of *Tigre*, he further addeth, *viz.* Which, or the like good order devised by some godly persons, if it might be by authoritie placed in this Church, &c. I think it would be gladly received, to shun the offence, that is taken at the other.

Page. 118.  
Excommu-  
nication for  
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### ADMONITION.

And matters of Tythes, Testaments, and Matrimonie, matters also of adulterie, slander, &c. are in these mens judgements, meere temporall, &c. therefore to be dealt in by the temporall Magistrate only, which as yet have either none at all, or very few laws touching those things, therefore the common law of the Realme, must by that occasion, receive also a very great alteration. For it will be no small matter, to apply these things, to the temporall law, and to appoint Courts, Officers and manner of processe and proceedings in judgement for the same.

### ASSERTION.

Indeed we hold, that all these matters wherof mention is here made, and all others of the like nature, are merely civill and temporall, and by the temporall Magistrate alone, to be dealt in, and to be discussed, if we consider the administration of externall and civil justice. And this we thinke will be granted of all, and not to be denied of any unlesse they be too too popishly addicted. In regard whereof we have drawn (as before is mentioned) a project, how Courts and manner of processe and proceedings in judgement, by Doctors of the Civill Law may be appointed by the King, and his high Court of Parliament, without that, that the common Law of the Realme, by the occasion of any such courts, offices, or manner of processe and proceedings, must receive any alteration at all, much lesse a very great alteration. Howbeit if it should not please the King, and that the Civilians could not finde favour in his sight, by courts, offices, and manner of processe and proceedings in judgement before specified, or by the like to have the stu-

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How mat-  
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the Kings  
Judges.

dic of the civill Law advanced; yet we thinke it convenient once a-  
gain to be examined how these matters may be dealt in, according to  
the rules and grounds of the Common Law, before the Kings Judges,  
and Justices of the Kings bench, and Common pleas.

By a Statute of 32. H. 8. c. 7. it is cleare, that all tythes, oblations, &c.  
and other Ecclesiasticall or Spirituall profits, by the lawes and statutes  
of the Realme, may be made temporall, as being admitted to be abide  
and goe to, and in temporall hands, lay-uses and profits. From the rea-  
son of which statute it is cleare, that those lawes likewise, may be ree-  
koned amongst us for temporall lawes, which by the lawes and sta-  
tures of the Realme, may be executed by temporall and lay persons, and  
which are conversant about temporal and lay causes. If then the execu-  
tion of the Lawes, touching these matters may lawfully remaine, and  
abide in the hands of Doctors of the Civill Law, being temporall and  
lay persons (as already under the Bishops they doe;) it cannot be de-  
nied but that the Kings Judges, and Justices, of both benches, may bee  
as competent Judges, to put in execution the lawes concerning these  
matters, as Doctors of the Civill Law, or other lay men be. But the  
causes are not reputed and called temporall, and lay causes amongst us.  
What for that? if in their owne nature simply considered, these causes  
be merely lay and temporall causes, such causes (I meane) as whereof  
the King a lay, civill and temporall Magistrate, by his lay civill and tem-  
porall Magistracie derived unto him immediately from the holy law  
of God, may and ought to take cognizance, and thereupon, either in  
his owne Royall person, or by the person of any of his inferiour Of-  
ficers, may give absolute and peremptorie judgement: If (I say) these  
things be so, what booteth it, or what wisdom is it to contend, that  
these causes and matters, have been, and are still adjudged to be there-  
fore Ecclesiasticall, and no temporall causes, because through an abu-  
sive speech, or through a vaine and evill custome, they have beene so  
led and accompted in times past? And what if it hath pleased the  
Kings Progenitors, by sufferance to tolerate the executions of such  
Lawes, as concerne these things, to bee in the hands and power of  
Ecclesiasticall persons; yet hereupon it followeth not that in very  
deede and truth, the Magistracie of the said Ecclesiasticall persons, was  
an Ecclesiasticall Magistracie, or that they were Ecclesiasticall Ma-  
gistrates; but their Magistracie was, and remained still a tempo-  
rall magistracie, and they were and abode temporall Magistrates. For  
not more can the qualitie of the person, alter the nature of the cause,  
than can the qualitie of the cause, alter the nature of the person. And  
if it be true, that matters determinable (in times past) by a Magistra-  
cie



eie abusively called Ecclesiasticall, be notwithstanding properly tem-  
 porall matters; and that the same Magistracie also, be a temporall and  
 not spiritual Magistracie, what a childish and poore conceit is it, to  
 challenge and threupon the temporall Magistrate, that he hath none,  
 or very few temporall lawes, touching those matters, and that there-  
 fore the people should not sollicite alteration of abuses in Church go-  
 vernment; lett for want of temporall lawes, the people should bee  
 without Ecclesiasticall discipline? It will be no small matter (saith he)  
 to apply these things to the temporall law; yea, and so say I to, But  
 what of that? The question is not how hardly these things may be ap-  
 plied to the temporall law, but how small a matter it were to apply  
 the temporall law unto these things. For it is not said in any law, that,  
*casus ex iuribus*, but it is said in all lawes, that *ex casibus iura nascuntur*.  
 And indeed the Phisition applyeth not the disease to his Phisick, but  
 he prepareth his phisicke for the disease. The husband-man he measu-  
 reth not his ground by the seed, but his seed by the ground. The Dra-  
 per, he measurcth not his yard by the cloth, but his cloth by the yard.  
 If in like manner the temporall lawes and the grounds and rules there-  
 of, were applied to these matters of tythes, marriages, &c. wherof  
 he speaketh, what more alteration could there bee of the temporall  
 law by such an application, then there is an alteration of the plummet,  
 by laying it to the stone, or than there is an alteration of the rule or  
 yard, by laying them to the timber and cloth? Besides, he that right-  
 ly and after an exact and equall proportion, can apply one rule or ma-  
 xime of the temporall law, to many more cases, than whereupon it  
 hath bene usually in former times applyed, hee may rather bee reputed  
 an additioner, than an alterer of the Law. But how may the temporall  
 Law be applyed to those matters? how? even so, and so, as followeth.  
 By the statute of 32. H. 8. c. 7. it is declared, that tythes, oblations,  
 &c. and other Ecclesiasticall or spirituall profits, &c. being lay mens  
 hands to lay uses, be no more Ecclesiasticall, but temporall goods, and  
 profits; and that if any person were diseased, deforced, wronged, or  
 otherwise kept, or put from his lawfull inheritance, estate, seisin, &c.  
 of, in, or to the same by any person, claiming, or pretending to have in-  
 terest, or title, in, or to the same, that then, in all and every such case,  
 the person so diseased, deforced, or wrongfully kept from his right or  
 possession, shall and may have his remedie in the Kings tempo-  
 rall Courts, as the case shall require, for the recoverie of such inheritance by  
 writ original, &c. to be devised and granted out of the Kings Court  
 of Chancery, in like maner, &c. It is there likewise provided, that that  
 Act shall not extend, nor be expounded, to give any remedie, cause of

The tem-  
 porall law  
 may easily  
 be applyed  
 to causes  
 now reputed  
 Ecclesiasti-  
 call.

how tythes  
 may bee re-  
 covered in  
 the Kings  
 temporall  
 Courts.

action.

action or suite, in the Courts temporall, against any person, which shall refuse to set out his tythes, or which shall detaine, &c. his tythes and offerings. But that in all such cases, the partie, &c. having cause to demand, or have the same tythes, shall have his action for the same, in the Ecclesiasticall Courts, according to the ordinance, in the first part of that act mentioned, and none otherwise.

Now then sithence every person, whether he be lay or Ecclesiasticall, having right to demand tythes and offerings, hath the partie from whom those tythes be due, bound and obliged unto him: and sithence also the partie not dividing, yeelding or paying his tythes, doth actually and really detaine the same, and thereby doth unjustly wrong the partie to whom they be due: contrary to justice and the Kings lawes; sithence (I say) these things be so, what alteration or disadvantage could befall or ensue to the Common Law, or the Professors thereof; if so be it might please the King, with his Parliament, to have the last part of this Act so to be explained, extended, and enlarged, as that the same might give remedy in the Kings temporall Courts, by writ original, to be devised and granted out of the Chancerie, against any person detaining his tithes and offerings? the Hospitall of S. *Leonards* in *Torke*, of the Kings foundation and Patronage, endowed of a thrave of Corne, to bee taken yearly, of every plough earing, within the Counties of *Torke*, *Comberland*, *Westmerland* and *Lancaster*, having no sufficient or convenable remedie at the Common Law, against such as with-held the same thraves, it was ordained by the King in Parliament, that the Master of the said Hospitall, and his successors, might have action by writ, or plaints of debt, or detaine at their pleasure, against all and every of them that detained the same thraves, for to recover the same thraves with their dammages. And by the Statute of 32. H. 8. c. 4. it is enacted, That the Parsons and Curates of five Parish Churches, whereinto the Towne of *Royson* did extend it self, and every of them, and the successors of every of them, shall have their remedie, by authoritie of that act, to sue, demand ask, and recover in the kings Court of Chancerie, the tythes of corn, hay, wooll, lamb, and calfe, subtracted or denyed to be paid by any person or persons. Againe, Vicars, Parsons, or improprieties, do impleade any man, in the Ecclesiasticall Court, for tythes of wood, being of the age of twenty years or above, for tyth-hay out of a medow, for the which time out of mind and memorie of man, there hath only some Meade-silver beene paid: or if a debate hang in a spirituall Court for the right of tythes, having his original, from the right of Patronage, and the quantity of the same tythes, do passe the fourth part of the value of the benefice, a

pro.

hospital of  
S. Leonard  
1, 2. h. 6. c. 2

prohibition in all these, and sundry other cases doth lie, and the matters are to bee tried, and examined in the Kings Courts, according to the course of the Common Law, unlesse upon just cause there bee granted a consultation. And if in these cases, in maintenance of the Common Law, the defendants have reliefe in the Kings Courts; I thinke it more meet to leave it to the consideration rather of common, than to the judgement of Canon Lawyers, to determine what alteration the Common Law could sustaine, in case if plaintifses, as well as some defendants might pray the Kings aide, for the recoverie of tythes, especially seeing at this day, the manner of paying tythes in England, for the most part, is now limited by the common and statute lawes of the Realm, and not by any forraigne canon law. But there is some fact happily so difficile, so secret, and so mysticall, in these causes of tythes, as the same cannot, without a very great alteration of the Common law, be so much as opened before a lay judge, or, of the hidden knowledge whereof, the Kings temporall Judges are not capable. Why then let us see of what nature that inextricable fact may be. I have perused many libels; made and exhibited, before the Ecclesiasticall Judges, yea and I have read them over and over, and yet for ground of complaint, did I never perceive any other materiall and principall kinde of fact, examinable in those Courts, but only such as follow.

Object.

Answer.

What facts touching the upholding of tythes are examinable in the Ecclesiasticall courts.

*First, that the partie agent, is either Rector, Vicar, Proprietarie, or Possessor, of such a Parish Church, and of the Rectorie, Vicaridge, same, possession, or dominion of the same, and by vertue thereof hath right unto all tythes, oblations, &c. appertaining to the same Church, and growing within the same parish, bounds, limits, or places tythable of the same.*

*Secondly, that his predecessors, Rectors, Vicars, &c. time out of mind and memorie of man, have quietly and peaceably, received, and had, all and singular tythes, oblations, &c. increasing, growing, and renewing within the Parish, &c. and that they and he have bene, and are in peaceable possession, of having, and receiving tythes, oblations, &c.*

*Thirdly, that the partie defendant, hath had and received in such a year, &c. of so many sheepe, feeding and couching within the said Parish, &c. of so many fleeces of wooll; and of so many kine, so many Lambs, &c.*

*Fourthly, that the defendant hath not set out, yeilded or paid, the tyth of the wooll, and lambe; and that every Tyth fleece of the said wooll, by common estimation, is worth so much, and that every tyth Lambe, by common estimation, is likewise worth so much, &c.*

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Fifthly that the defendant, is subject to the jurisdiction of that Court, whereunto he is summoned.

Lastly, that the defendant doth better to deny, or delay to pay his tythes, notwithstanding he hath bene requested thereunto.

The Kings Justices are as able to judge of exceptions against tythes as the Ecclesiasticall Judges.

Legacies how they may be recovered at the common law.

These and such like are the chiefe matters of fact, whereupon in the Ecclesiasticall Courts, proofes by witnesses, or records rest to be made for the recoverie of tythes. And who knoweth not, but that these facts, upon proofes made, before the Kings Justices, may aswell bee decided by them, as by any of the Reverend Bishops or venerable Archdeacons, their Chancellors or Officials. If there be any exception alleged by the defendant, as of composition, prescription, or privilege, the Kings Justices are as able to judge of the validitie, of these, as they are now able to determine customes *de modo decimandi*, or of the use of high wayes, of making and repairing of Bridges, of Commons of pasture, pawnage, ctovers, or such like. Truth it is that of Legacies and bequests of goods, the reverend Bishops by sufferance of our Kings and consent of our people, have accustomedly used, to take cognizance, and to hold plea, in their spirituall Courts. Notwithstanding if the Legacie bee of lands, where lands be divisible by Testament, the judgement thereof hath bene alwayes used, and holden by the Kings writ, and never in any Ecclesiasticall Court. Wherefore if it shall please the King, to enlarge the authoritie of his Courts temporall, by commanding matters of legacies and bequests of goods, aswell as of lands, to be heard, and determined in the same, it were not much to be feared, but that the kings Justices, the kings learned Counsell, and others learned in the Law of the Realm, without any alteration of the same law, would speedily finde meanes, to apply the grounds thereof, aswell to all cases of Legacies, and bequests of goods, as of lands. For if there be no goods divisible by will, but the same are grantable, and confirmable, by deed of gift, could not the kings Justices, aswell judge of the gift, and of the thing given by will, as of the grant, and of the thing granted by deed of gift? or can they not determine of a Legacie of goods, aswell as of a bequest of lands? If it should come in debate before them, whether the Testator, at that time of making his will, were of good and perfect memorie, upon proofs and other circumstances to be opened, and made of the Testators memorie by lively testimonies, either the Admonitor must condemne the kings learned and discreet Justices to bee *mala mentis & insana memoria*, or els it must be confessed, that they be as well able to judge of the distraction of wits and unsoundnesse of

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memorie, in a person deceased, as they be to determine the question of Lunatic, madnesse, or idiocie, in a man living.

If any question should arise upon the revocation of a former will, of the ademption of a legacie, or of a legacie given upon condition, or in *diem*, it would be no hard matter, for the learned Judges, upon sight of the will, and proofes to be made, to define which is the first, and which is the last wil; whether the legacie remaine, or whether it be revoked; whether it be *legatum per verum* or *in diem*; whether conditional or without condition: And if it bee conditionall, whether the same be possible or impossible; honest, or dishonest; and if it bee in *diem*, whether the day be past, or to come. But there lyeth no action at the common law, for a legatorie against the executor to recover his legacie, I grant. But a creditor to recover his debt, due by the testator upon specialtie, may bring an action at the common law, against the executor. And then what is the cause, that a creditor may recover his debt, and that a legator cannot recover his legacie, in the kings Court, but only, for that remedie could not bee given unto legatories complaynantes, by any writ out of the Chancery? And therefore that such plaintiffes, might not be deferred of their right, and remedie in such cases, to their great dammage, it hath pleased the kings, by sufferance, to tolerate the Church Officers to determine these cases. Wherefore if it might please the king, to cause writs to be made out of his Court of Chancery, for the recovery of Legacies, it were cleare by the Common Law of the Realme (as from the statute may bee gathered) that the cognizance of these Cases, did not appertaine any more to the Spirituall Court. For then might the legatorie, by that writ, bring an action against the Executor, to obtaine his Legacie. But how should that action bee tryed? How? even as other actions of debt, detinue, or trover bee tryed, namely (as the case should require) either by the countrey, or by the Judges upon a *movatur in lege*.

21 Ed. 1.  
statute upon  
the writ of  
consultati-  
on.

As Testaments with their adherences, so likewise matters of Spousals, Mariages, divorces, &c. together with their accessories, by common right, of the Imperiall Crowne, did in ancient times properly appertaine to the examinations, and sentences of the Emperours themselves, and to their Provostes, Deputies, and Presidents, of Cities and Provinces, as by their severall titles, *de Testamentis, Legatis, Fidei commissis, Nuptiis, repudiis, divorcio, dote, &c.* in the bookes of the civill law appeareth. By the Law of England also, the king hath the marriage of an heire being within age, and in his ward. Widowes also that hold of the King in chiefe, must not marie themselves without

Matters of  
marriages,  
more meete  
to bee deci-  
ded by the  
Kings, than  
by the Bi-  
shops offi-  
cers.

the Kings licence. And by an Act made 4. and 5. *Phil.* and *Mary.* there is a streight punishment provided against all such, as shall take away Maidens, that be inheritors, being within the age of sixteen years, or marry them without consent of their parents, and what reason letteth them, that the King might not as well have the care and cognizance of all the contracts of mariage, especially of the mariage of all children and widowes, in his temporall Courts, as he hath of some parties, to be contracted of the Dower, of the joynture, of the disparagement, of the age, of the taking away, of the deflouring, and of mariage without parents consent in some cases? or what a very great alteration of the common law, could ensue, in case the Kings temporall Justices, did examine and determine whether the contract were a perfect and simple, or conditionall contract yea, or no? For if upon the statute made by *Philip* and *Mary*, that maidens and women, children of Noble men, and Gentlemen, &c. being heires apparent &c. and being left within age of sixteene yeares, should not marry against the will or unknowing, of, or to the father, or against, &c. If I say upon the publishing of this act, there hath no alteration of the common law hitherto followed, it is but a meere superflitious error, to feigne, that a change of the Common law must follow, if so be this statute were extended, to all children, both Sonnes and Daughters, of what parentage, sexe, estate, or age soever. For if the King in his temporall Courts, had the definition of all, as well as of some contracts, made by children, without consent of parents, then should a multitude of lewd and ungodly contracts, made by flatterie, trifling gifts, faire and goodly promises, of many unthrifty, and light personages thereunto wonne, by intreaty of persons of lewd demeanour, be pronounced voide, and of no efficacie, yea, and on the other side, a number of honest, lawfull, and godly contracts, should be confirmed, and remaine in their full strength, and force; which now upon certaine frivolous and trifling quiddities, and nicities of words and syllables are pronounced in the Ecclesiasticall Courts, to bee no contracts. And in good earnest, is there now a dayes, any soundnesse of reason at all, to be heard amongst the Doctors and Proctors of those Courts, where they informe out of the Canon law in these cases? For doth not their whole dispute and information rest principally, whether the contract be made by words of the present, or of the future tence? whether it be made with an oath, or without an oath? yea, and do they not exceedingly bewear, and besmyre themselves, by turning and returning, by folding, and unfolding, their great and hydeous volumes, for prooffe, and reproof, of *accipio*, & *accipiam*? yea and sometimes

Much a doe  
in the Ecclesiasticall  
Courts, about accipio, & accipiam.



times of letters and accents? If the young man and maide, having both of them their parents consent, shall answer only in the future tence; I will have thee, or I will take thee; or I am content to take thee, or I will have none other but thee, or if ever I marry I will marry thee; and do not answer directly, I do take thee to mine husband, or I do take thee to my wife: oh! it is a world to see, and a wonderment to behold, what canvassing, heaving and shoving, what a stirre, quoyle, and garboile, the Canonists make, about the lifting and removing of these fetthers. And whatsoever the holy Scriptures have determined of the necessitie of parents consent, or of what necessitie likewise soever the civill law, hold the consent of parents to bee, yet in the Ecclesiasticall courts, the papall canon law must needs take place, because by the same law, consent of Parents, is not de necessitate, but de honestate tantum, and because also *matrimonia debent esse libera, & non pendere ex alieno arbitrio*. Wherein the reverend Bishops, under their favourable patience) can not clearely excuse themselves, of much oversight, in to slender managing of a matter, of so great and high a consequence. The holy law of God, by publike authoritie, hath been commanded within this Realme, to bee sincerely and purely taught, received and embraced. The civill law, hath not had her free course, in this case hindered, by any law of the Realme. And how then cometh it to passe, that the canon law, being in this point repugnant to both these Lawes, should notwithstanding be preferred, beare sway, and take place, in this Realme, before and above both these Laws, especially the same in this point, as being against the law of God, being utterly taken away. The abuses past, and mariages past, under colour and pretext of this law, may and ought to be bewailed, and repented of: yea and that no such mariages in time to come, may be made, I leave it to be considered, whether it might not tend to the advancement of the Law of God, be honourable for the King, and commodious for the Common Weale, providently to provide, these things following: viz.

First, that no matrimonic secretly contracted, against the will, or unknowing of, or to the father, or him, or her, that hath the keeping, education, or government of the partie to be married, before he or she come to a certaine age, should in any sort, be good or available to make the posteritie of those, who shall bee so married, legitimate, or inheritable.

Secondly, that every contract of marriage concluded, with consent of parents, Tutor, Governour, or Gardian, should be forcible and effectual, to bind both parties irrevocably: whether the same contract

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nup. S. 1.

The canon  
law preferred  
by the  
reverend  
Bishops before  
the law  
of God and  
the civill  
law.

Certain special points  
to be provided about  
mariages.

with an intent to conclude a mariage) be made by wordes of the present, or future tense, it killeth not.

Thirdly, that every man stealing away, contracting, and marrying a maide, under the age of certaine yeares, without content of father, tutor, governour, or gardian, should be a felon, and for such his felonious act, suffer the paines of death. And lastly, that all liceneces to marry without bands asking, according to the intendment of the booke of Common prayer, bee forbidden, and unlawfull for ever. Which things if they might be observed, it is very likely, that mens inheritances (as now many times they doe) should not hang in suspence, upon question of legitimation, or illegitimation of their children, to be allowed or disallowed by the common law. There should not any such long and tedious suites and variances hereafter fall out, betwene the posterities and children of one man, for the right and interest of their Ancestors lands. Neither should Sir *Thomas Lucie*, nor Sir *Edmond Ludlow*, nor the Lady *Norton*, nor Master *Cooke* the Kings Atturney generall, nor many more Knights, Esquires and Gentlemen, complaine and bewaile the stealing away, and mariages of any their daughters, Nieces, near Kinswomen, or Wards. Neither could it bee possible, that one woman might procure foure or five severall liceneces for the mariage of foure or five severall husbands, all of them being alive together, and not one of them dead. Neither should there any licence of mariage be granted out of any Ecclesiasticall Court, to any man or woman with a blank, whereby the partie licensed was enabled to have married another mans wife, or his owne or his wifes sister. Neither should any couples married, and living together foure, six, or more yeares, as man and wife, upon a new and suddaine dislike or discontentment, and upon a surmised precontract, to be pretendedly proved by two sworn witnesses, be adjudged (by vertue of the canon law) to be no husband, and to be no wife. Neither should any man (being solemnly married to a wife, and afterward by reason of a precontract, solemnly divorced from the same his wife, and by censures of the Church compelled to marry her for whom sentence of precontract was adjudged) be reauthorised by the same Consistorie, about ten or twelve yeares after the divorce, to resummon, recall, and rechallenge his first wife: especially she having a testimoniall out of the same Consistorie, of her lawfull divorce, and being againe solemnly married to another husband. Wherefore to conclude these matters of tythes, testaments, and Mariages (if the King should not be pleased, to have the studie of the civill law advanced by some such law, as whereof the former project maketh mention) I dispute for the enlarging of the common law, thus:

Complaint  
heretofore  
made upon  
stealing a-  
way and  
marrying  
mens daughters,  
how  
they may  
cease.

ing his Sanctuaries, with the grounds and rules of the common law, and likewise Kings Royall prerogatives, that in cases of Tythes, Tithes, Tithes, and Curages, the King, (if it may please him) so to provide by Parliament, may give remedie unto complainants, by writs, that out of the Chancery, and that complainants in such cases, may effectually proceede upon such writs, in the Kings Courts, and if it should be found by matters of Tythes, Tithes, and Curages, to be so handled, in the Kings Courts, if these things (I say) be so, and so may be, then with little reason, did the Admonicion warne us, that such a great alteration of the common law, must follow, and likewise that it will bee no small matter, to apply these things to the common law. But the antecedent is true, as hath been already showed. Therefore the consequent is true.

**ADMONITION.**  
Judgements also of adulterie, slander, &c. are in these mens judgements meere temporall, and therefore to be dealten by the temporall law, & not by the law of God.

Pag. 48.

**ASSERTION.**

We are indeed of this judgement, that in regard of the Kings Royall Office, these judgements of adulterie and other criminall Causes comprised within this clause, &c. ought no more to be exempted, from the Kings temporall Courts, than matters of theft, murder, treason, and such like ought to be. And for the maintenance of our judgements, we affirme, that there is no crime, or offence of what nature or qualitie soever, respecting any commandement contained within either of the two tables, of the holy law of God, if the same be now corrigible by spirituall power, but that some fault and contempt, one, or other, of the like nature and qualitie, as comprised under the same commandement, hath beene evermore, and is now punishable by the Kings Regall, and temporall jurisdiction.

For adulterie, as the same is to be censured by penance in the Ecclesiasticall Courts, so is ravishment also, buggerie and sodomie, to be punished in the Kings Court, by paine of death. And, as hath beene accustomed, that Ordinaries by censures of the Church, may correct fornicators, so fornication also, (as in some bookes written of the com-

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mon law, is reported) hath beene in times passed, presented, and punished in leets, and law-dayes, in divers parts of the Realme, by the name of *Letherbyrte*, which is, as the booke saith, an ancient Saxon terme. And the Lord of the Leet (where it hath beene presented) hath ever had a fine, for the same offence. By the statute of those, that be borne beyond the seas, it appeareth, that the King hath cognizance, of some bastardy. And now in most cases of bastardie, if not in all, by the statute of *Elizabeth*, the reputed father, of a bastard borne, is lyable to be punished at the discretion of the justices of peace.

25. Ed. 3.

Perjurie if  
punishable,  
temporally  
in some ca-  
ses, why  
not in all.

Touching perjurie, if a man lose his action, by a false verdict, in plea of land, he shall have an attain, in the Kings Court, to punish the perjurie, and to reforme the fallacie. And by divers statutes it appeareth, that the Kings temporall Officers, may punish perjurie committed in the Kings temporall Courts. And though it be true, that such perjury as hath risen upon causes, reputed spirituall, have beene in times past, punished only by Ecclesiasticall power and censures of the Church, yet hereupon it followeth not, that the perjurie it selfe, is a meere spirituall, and not a temporall crime or matter, or that the same might not to be civilly punished.

Usurie.

20. h. 3. c. 5.

By a statute of *Westminster*, 25. *Edw. 3.* it was accorded, that the King, and his heires shall have the cognizance of the usurers dead, and that the Ordinaries have cognizance of usurers on life, to make compulsion, by censures of the Church for sinne, and to make restitution of the usuries taken, against the lawes of holy Church. And by another statute, it is provided, that usuries shall not turne against any being within age, after the time of the death of his Ancestor, untill his full age. But the usurie with the principal debt, which was before the death of his ancestor, did remaine, and turne against the heire. And because all usurie being forbidden by the law of God, is sinne, and detestable, it was enacted, that all usurie, lone, and forbearing of money, &c. giving dayes, &c. shall be punished, according to the forme of that Act. And that every such offender shall also be punished, and corrected, according to the Ecclesiasticall lawes, before that time made against usurie. By all which statutes, it seemeth that the cognizance, and reformation of usurie, by the lawes of the Realme, pertaineth onely to the King, inlesse the King by his Law, permit the Church, to correct the same, by the censures of the Church, as a sin committed against the holy law of God.

Touching heresies and schismes, albeit the Bishops, by their Episcopall, and ordinarie spirituall power, grounded upon Canen law,

or,

or any will custome, have used by definitive sentence pronounced in their Consistories, to condemn men for heretikes and schismatikes, and afterward being condemned, to deliver them to the secular power, to suffer the paines of death, as though the king being *custos utriusque tabulae*, had not power by his kingly office, to inquire of heresie, to condemn an heretike, and to put him to death, unlesse he were first condemned, and delivered into his hands, by their spirituall power: although this hath been (I say) the use in England: yet by the statutes of *Richard* the second, and *Henry* the fifth, it was lawfull for the Kings Judges and Justices, to enquire of heresies and Lollards, in Leets, Sheriffs turnes, and in Law dayes, and also in Sessions of the peace. Yea the King, by the common law of the Realme, revived by an act of Parliament, which before the Statute of *Henry* the fourth, was altered, may pardon a man condemned for heresie, yea and if it should come to passe, that any heresies, or schismes should arise in the Church of England, the king by the Lawes of the Realme, and by his Supreme and Sovereigne power, with his parliament, may correct, redresse and reforme, all such defaults and enormities. Yea further, the king and his parliament, with consent of the Clergie, in their Convocation, hath power to determine what is heresie, and what is not heresie. If then it might please the king, to have it enacted by parliament, that they which opiniatively. and obstinately, hold, defend, and publish, any opinions, which according to an Act of Parliament already made, have beene, or may be ordered, or adjudged to bee heresies, should bee heretikes and felons, and their heresies to be felonies, and that the same heretiks and felons, for the same their heresies and felonies, being arraigned, convicted, and adjudged by the course of the common law, as other felons are, should for the same their heresies and felonies, suffer the paines of death: there is no doubt, but the King, by vertue of his Sovereigne, and Regall Lawes, might powerfully enough, reforme heresies, without any such ceremoniall forme, papall observance, or superstitious solemnitie, as by the order of the Canon Law, pretended to bee: still in force, have beene accustomed.

And as these offences before mentioned, bee punishable partly by temporall and partly by Ecclesiasticall authoritie, so drunkenesse, absence from divine service and prayer, fighting, quarrelling, and brawling in Church and Churchyard; defamatorie words and libels; violent laying on or hands upon a Clarke, &c. may not onely bee handled and punished in a court ecclesiasticall, but they may also be handled and punished by the King, in his temporall courts. By all which it is evident

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that

heresies & schismes are punishable by the kings laws.

25. h. 5. c. 14.

1 Eliz. c. 1.

1 Eliz. c. 1.

If it please the King, heretikes may be adjudged felons, and heresies felonies.

The cognizance of all crimes as well as of some crimes by the law of God, belong to the King.

that the Clergie hath had the correction of these crimes, rather by a custome, and by sufferance of Princes, than for that they be meere spirituall, or that they had authoritie, by the immediate law of God. And if all these, as well as some of these crimes, by sufferance of Princes, and by a custome may be handled and punished spirituallly, then also if it please the King, may all these, as well as some of these crimes, without a custome be handled, and punished temporally.

For by custome, and sufferance only, some of these crimes be exempted from the cognizance of the King, and therefore by the immediate law of God, the cognizance as well of all, as of some of these crimes, properly appertaineth unto the King. And then the judgement, of those men, who defend judgements of adulteries, slander, &c. to be more temporall, and by the temporall Magistrate, only to be dealt in, seemeth every way to be a sincere, and sound judgement. Howbeit, they doe not hereby intend, that the party offending, in any of these things, and by the Kings law punishable, should therefore wholly bee exempted and freed from all censures of the Church. Nay we judge it most requisite, and necessarie for the bringing the partie which offendeth, to repentance and amendment of life (if presently upon sentence of death, he be not executed) that besides his temporall punishment, the censures of the Church according to the qualitie of the offence, may be used, and executed against him: yea and we thinke, that the King, by the holy law of God, is bound by his regall power, to command the Church, duly and rightly to use the same censures, not only against every adulterer, defamer, usurer, &c. but also against every thiefe, every manslayer, every traitor, and every other offender: For not only sinnes, reputed with us Ecclesiasticall, but all sins, of what kind soever, ought to be repented of, and consequently against all sins, the Ecclesiasticall censures ought to be used. And by whom should the same be exercised, but by the Church? Why then belike, where an offender is punished in the Kings Court, he shall againe be punished in the Ecclesiasticall Court, and so for one offence, be twice punished, which were unreasonable.

To this we answer, that it is not against reason, that one man, for one fault should be punished both temporally and spirituallly. First he consisteth of two parts: *viz.* of a body, and of a soul, in both which parts he hath offended. Secondly, he hath offended, against two lawes, the law of God; and the law of the King. For the execution of which two lawes, there be two kinds of officers, of two severall natures, the king for the one law, and the officers of the Church for the other law; and both these kinds of officers, have power given them, immediate-

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No offender freed from the censures of the Church

For a man to be punished twice for one fault, is not unreasonable.



ly from God, to execute; the one, Kingly and temporall; the other pastorall and spirituall power. And therefore we say, it standeth with great reason, that the soule causing the body to sinne, should no more escape that punishment which is appointed for the soule, by the law of God, than the bodie should escape that punishment which is appointed for the body, by the law of the King: why then the officers of the Church, may meddle with matters appertaining to the Kings law, and what an indignitie to the King were that? To this we answer, that the officers of the Church in a several respect, and to a several end, dealing in one and the selfe same matter, wherein the king dealeth, may no more bee charged with dealing in matters appertaining to the Crowne, by the exercise of their spirituall sword, than can the King be charged, with meddling in the same matters, to meddle with matters pertaining to the soule, by the exercise of his temporall sword. So that the spirituall power of the officers of our Saviour Christ, (which consisteth only in binding and loosing of the souls of men) can not possibly, by any reason or good intendment, be construed, now to be any more prejudiciall, to the Kings prerogative, or contrariant to the lawes of the Realme, than it hath beene heretofore: Because usurie, incontinency, and divers other crimes Ecclesiasticall have not beene punished only by Ecclesiasticall correction, but also by corporall paine. And therefore to take away this frivolous objection, we instantly pray, that the lawes of the Realme may still keepe their due and ordinarie course, and that the Kings Scepter may retaine, that ancient and Royall estimation, which belongeth unto it: and that it may be ordered, by an irrecoverable law as followeth.

*Potestas & jurisdictio actionum quarumcunque civilium: punitio, & castigatio externa, omnium malefactorum quorumcunque famam, facultates, seu personas tangentium, non penes Pastores, & Seniores Ecclesie, sed penes unum solumque Principem, & civilem Magistratum sunt, & quicumque iis non acquieverint, cap tali poena puniunt.*

Whereupon falleth to the ground, that cavillous and odious slander following in the Admonition: viz. that the lawes maintaining the Queenes Supremacie, in governing of the Church, and her prerogative in matters Ecclesiasticall, as well Elections as others, must be also abrogated. The contrary whereof being avouched throughout this whole assertion, it shall be needlesse to spend any time in the refutation of so grosse an untruth.

*An Assertion for true*

ADMONITION.

*Thof leaves likewiſe, muſt be taken away, whereby impropriations and patronages ſtand, as mens lawfull poſſeſſion and heritage.*

ASSERTION.

By a ſtatute 15. R. 2. c. 6. becauſe divers damages and diſeaſes oftentimes had hapned, and daily did happen to the parochians of divers places, by the appropriation of benefices, of the ſame places, it was agreed and aſſented, that in every licence, from thenceforth to bee made in the Chancerie of appropriation of any pariſh Church, it ſhould be expreſſly contained and comprized, that the Dioceſan of the place, upon the appropriation of ſuch Churches, ſhould ordaine according to the value of ſuch Churches, a convenient ſumme of money, to be paid and diſtributed yearly of the fruits, and profits of the ſame Churches, by thoſe that ſhall have the ſame Churches in proper uſe and by their ſucceſſors, to the poore parochians of the ſame Churches, in aid of their living and ſuſtentation for ever; and alſo that the Vicar be well and ſufficiently endowed. By which ſtatute it appeareth, that every impropriation ought to be made by licence out of the Chancerie, that it ought to be made to the uſe of Eccleſiaſticall perſons only, and not to the uſe of temporall perſons or patrons. Now then all ſuch pariſh Churches, as without licence of the king in his Chancery, have beene appropriated to any Eccleſiaſticall perſon; and againe all ſuch pariſh Churches, as by licence of the King in his Chancerie, have beene appropriated, to the uſe of lay perſons, they are not to be accounted mens lawfull poſſeſſions and heritages. Beſides this, as many impropriations, as whereupon the Dioceſan of the place, hath not ordained, according to the value of ſuch Churches, a convenient ſumme of money to be paid, and diſtributed yearly of the fruits of the ſame Churches, &c. to the poore Parochians of the ſame Churches, in aid of their living and ſuſtentation for ever; yea and every Church alſo appropriated, as whereunto a perpetuall Vicar is not ordained, canonically to be inſtituted and inducted in the ſame, and which is not conveniently endowed, to doe divine ſervice, and to inform the people, and to keepe hoſpitalitie there, all and every ſuch Church and Churches (I ſay) otherwiſe than thus appropriated, by the law of the Realme (as it ſeemeth) are not mens lawfull poſſeſſions and inheritances: For by a Statute of king Henry the fourth, every Church after the fifteene yeare of King

king *Richard* the second appropriated by licence of the king against the forme of the said Statute of *Ricb. 2.* if the same were not duly reformed, after the effect of the same statute, within a certaine time appointed, then the same appropriation and licence thereof made, presently (the parish Church of *Hadenham*, only excepted) was adjudged to be void, and utterly repealed and annulled for ever. And therefore I leave it to the inquisition of our Sovereigne Lord the King, whether the impropriation of the parish Church of *Belgrave* in the Countie of *Leicester*, whereunto two Chappels are annexed, and other Churches appropriated to the Bishop of *Liechester*; since the statutes of *Richard* the second, and *Henry* the fourth, bee the lawfull or unlawfull possession and heritage of the same Bishop, yea or no. And if it bee lawfully appropriated and so a lawfull possession and heritage, then I leave it againe to the inquisition of the King, what summe of money out of the fruits of the same Church ought yearly to bee distributed to the poore parochians; what the endowment of a Vicar canonically to be instituted and inducted, in the same Church should bee, what house is appointed for the same Vicar to keepe his hospitalitie in, and whether any Vicar for the space of these many yeares passed, hath bene canonically instituted and inducted in the same Church, to possesse that endowment, to inhabit that same house, and to inform that people. For if by the appropriation it self, or by the abuse thereof, the poore parochians have bene defrauded of their yearly distribution, or if no Vicars have bene Canonically instituted and inducted in the same, or if being inducted they have their endowments so small, or so covetously kept back from them, as that they cannot sufficiently maintaine themselves, much lesse keepe hospitalitie: then (as the Admonitor confesseth) there must needs be a lamentable abuse of impropriations; and that therefore it is greatly to be wished, that by some good statute, it might be remedied.

And as those Churches which are unlawfully appropriated, are not the lawfull possession and heritage, of the proprietaries, so on the other side we affirme, that those impropriations, which were made and reformed, according to the statutes of *Ric. 2.* and *Hen. 4.* may well stand as mens lawfull possessions and heritages, even with those things which are required to be planted and brought into the Church, whatsoever the Admonitor hath written to the contrary. For we doe not hold, that maintenance, must only and necessarily be provided for every Minister, by the payment of tythes, oblations and other ecclesiastical profits, belonging to Churches appropriated or disappropried. For there being no direct proof to be made out of the law of God, that Ministers of

the Gospell, must only live upon tythes; the King and parliament, may well and competently enough, appoint conuenable endowments for every Minister, without disappropriing of any Church appropriated. And therefore little cause had the Admonitor, to insinuate the ruine of impropriations, upon the bringing in the discipline of our Saviour Christ, because the same may be well planted; and yet to other not unplanted. But what need we to argue against his insinuation; considering hee himselfe, before he came to the end of this page, by his owne idisclaime, contradicted his insinuation. For if *the forme of finding Ministers by tythes, must with the canon law (as he saith) be abolished, and if there must be some other order for this devised, because this may seeme papisticall and antichristian:* what should any man feare the taking away of those lawes, whereby impropriations do stand? For if *such as heretofore have spoken or written against them, because (as he insinuateth) the forme of finding Ministers by tythes, seemed to be unlawfully taken away,* and as he would also insinuate by their judgement, ought againe to bee restored, and not to stand any longer as mens lawfull possessions, and heritages. How (I say) doth it follow that they which desire impropriations, to be restored to their pristine state, should withall enquire, to haue the finding of Ministers by Tythes, to bee abolished? It seemeth therefore, that the Admonitor, so hee might bee talking; passed but a little what hee talked. For what a double talke is here? or to what purpose was this talke? Was it because some men doe thinke, that the Ministers, ought not to receiue tythes, for their reliefe and paines in the Ministerie? Why then, let all men know, that we disclaime such some mens opinions. For we account all things, pertaining to this life, directly, or by consequence, not commanded, nor prohibited, by the holy and sacred Scriptures, to be things indifferent, and that therefore we may use them or not use them, as the commoditie or incommuditie of the Church shall require. And therefore as we doe not affirme, that the maintenance of the Ministers, must onely and necessarily bee leuied out of tythes, oblations, and such like, so also wee doe not deny, but that the tenth part of the increase of all our goods, by the authoritie of the King, and his lawes, may be allotted for their possession and heritage: especially in our countrey, the same manner of payment being so ancient, and so agreeable to the manners, usages and disposition of our state and people. Nay since the payment of tythes, for service accomplished in the spirituall Sanctuarie, is correspondent in the nature thereof, to the equitie of the Law of Moses, for the Levites attendance about the earthly Tabernacle; and since also wee bee bound by the commande-

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ment of the Apostle, to make him that teacheth us in the word, to be partaker of all our goods; I see not (so Jewish and popish ceremonie, and superstition be avoided) but that this duetie, may as Christianly be performed, by the payment of the tenth part of the increase of our corn, lay, wooll, lambe, &c. as by the eight, twelfth, twentieth, or any other part of our money and come. By payment also of which tithes, the Ministers at every season, with every kinde of necessarie provision towards hospitalitie, might thoroughly be furnished, which many times they shall want, by reason of mens backwardnesse, when collections of monie are to be made. But to speake no more of this matter of tithes, we will return to the objection made against the Apostolicall government, drawn from taking away impropriations. And herein we will not handle, whether the lawes whereby impropriations do stand, as mens lawfull possession and heritage must (as hee saith) bee taken away: but whether impropriations, now divided from the Ministerie, and disperfed into many severall mens hands, and employed to many uses in the Common weal, may not in tract of time by some wholesome law, be reduced, either wholly, or in part, to be the only lawfull possessions and inheritances for the Ministers of the Gospell, yea and that without any prejudice or dammage unto Prince, or people.

It is evident in the eyes of all, that the Churches now appropriated, doe stand and remaine as the lawfull possessions and inheritances, either of the King, or of the Nobles, or of the Knights, E quires, Gentlemen, and other temporall persons: or of Archbishops, Bishops, Archdeacons, Deanes, Prebendaries, and other Ecclesiasticall persons, or of the Univerfities, of the Colledges in the Univerfities, of Collegiate and Cathedrall Churches, of Schools, Hospitals, Fraternities, and other bodies Politike, and Corporate. Wherefore to the end our meaning may the better be understood, and that we may proceed orderly, we thinke it good, to examine first, by how many severall wayes, some of these impropriations may be wholly and thoroughly reduced: secondly, by how many severall meanes, other some in part, may be brought to the use of the Ministerie. To reduce some of them wholly may be done by restitution, commutation, redemption, and contribution. And first that I prejudice not the Lords spirituall, and Churchmen of their ancient priviledges, from being placed in the first ranke, reason is, that, (they teaching the people not to possesse other mens' goods wrongfully) we speake first of restitution to be made by them. In declaration whereof, we thinke it not fit, in this place to shew, to what end the state of the Clergie was first founded into a state of prelacie, by the

Impropriations may be reduced to the ministry by 4 meanes.

¶ Parochiall Churches to what use they were founded.

This may be proved by 15. R. 2. and 4. h. 4. c. 2. and is confessed by M. Bilson in his perper government, pag. 365. 366.

the King, Earles, Barons and other great men (because the same cometh afterward to be handled more at large) but it shall suffice at this present, for the purpose whereof we now intreat, to let the reverend Bishops understand, that the small Parochiall Churches, were founded, and endowed with glebe lands, tythes, and other fruits by the Lords of Manors, to the end that the Lords Tenants within the same Manors, should be informed of the Law of God, and that hospitalities might be kept, and the poore of the same parishes be relieved. And besides, the reverend Bishops, we hope, will grant, that the great Cathedral, and Collegiate Churches, were not founded by the Kings progenitors, Nobles, and great men of the Realme, to the end, that those great Churches, (as great Hawkes prey upon little fowles) with their great steeples, should eat and devour the little steeples; or that with their great Quiers, they should overthrow and juggle downe the small pulpits. And therefore we most humbly pray aide from the king, for the casting of new claps to bee erected in the little pulpits, that hee would be pleased, to grant *restitutiones in integrum*, to all the little Churches, and that all impropriations, of all Parochiall Churches and benefices, now by spoliation, parcell of the revenues, of Archbishops, Bishops, Deanes, Archdeacons, Prebendaries, and other Ecclesiasticall persons, restants within those great Churches, may bee wholly restored to their ancient and originall use, according to the mindes and intents of the first Donors, and Patrons of the same parochiall and little Churches. For if (as Master Bilson saith) it bee true, that the Lords of Villages, having erected Churches, and allotted out portions for divine service, either by Gods or mans law, by their later grants could not have the former rights, unto their patronages overthrowne; and if the allowance given at the first, to the Minister of each Parish, by the Lord of the soyle, were matter enough in the judgement of Christs Church, to establish the rights of patrons, that they alone should present Clerkes, because they alone provided for them, if (I say) this be true, then have the Ministers of those Villages, and of that soyle, just cause to require, at the Diocesans hands, a restitution of such allowances, as were first given and provided for them by the patrons: Especially the Diocesans by their owne act now enjoying, and converting the same allowances, to their own use. If it be answered, that this can not well and conveniently be brought to passe, because the same impropriations, by the Archbishops, Bishops, and other Ecclesiasticall persons, for diverse summes of money, are now lawfully demised to farme, for many yeares yet to come: hereunto we answer, that these leases should hinder nothing at all,



all, the restitution of the right and interest in reversion, or remainder of those impropriations. Only if the impropriations have beene made according to the lawes of the Realm, and the leases duly granted; these leases for a time, may hinder the incumbent Ministers, from the present possession of the Tithes, Fruits, and glebe Land, be'onging to the said impropriations. And yet may not the incumbent Ministers, bee hindered in the meane while; from receiving the rents reserved upon such Leases, and which by the same Leases, are now payable to the Archbishops, Bishops, and other Ecclesiasticall persons. Neither after the determination of the same leases, should the incumbent Ministers, be any more letted, to enjoy and receive, the whole profits in right of their Churches, than other Ministers be now letted to enjoy theirs. If any shall say, that many of these impropriations, are annexed and appropriated, as Prebends for the provision of some of the Prebendaries of the same great Churches, and that the same Prebendaries, in the right of their Prebends, bee the lawfull Rectors of the Churches appropriated, and have *curam animarum* in the same Parishes; then we must instantly againe pray the King, that those Prebendaries, by some wholesome law may be constrained to reside, and to incumb upon their said Prebends, and Parochiall Churches, and that by continuall preaching of wholesome doctrine, they may endeavour to cure the foules of the people, over whom, by the order of those great Churches they be set, and over whom they have taken charge. And withall that they may no more be suffered, to ly and to live idely in their Cloysters, in their caves, and in their dens, sometimes at *Worcester*, sometimes at *Hereford*, sometimes at *Gloucester*, sometimes at *Salisbury*, sometimes at *Westminster*, sometimes at *Southwell*, sometimes at *Windfore*, sometimes at *Pauls*, sometimes at *Oxford*, and sometimes at *Cambridge*. When in the meane while both seldome, and very slenderly, they feed other sheep, whose fleeces they take in, and about *London*, *Winchester*, *Tukesbury*, *Reading*, and other places of the Countrey. Besides wee pray that these prebends, after the determination of Leases now in being, may never any more bee let to farms, so that the fruits thereof may serve for those Prebendaries, or other succeeding Ministers, to make Hospitalities, Almes, and other works of Charitie. If it be alledged that the king now having first fruits, Tenths, and Subsidies, out of the impropriations of those great Churches, as being all comprised, under a grosse summe of the Teaths payable for the whole revenues of the same Churches, should lose the first fruits, Tenths, and Subsidies, of the same impropriations, if hereafter they become either donative, or presentative; to this the an-

swer is readily made, *viz.* that Tenths, first fruits, and subsidies, might as well be paid then as now. And that the King might then as well have right to the donation of the benefice disappropriated, as the Bishop now hath the gift of the prebend appropriated.

In the next ranke cometh commutation to be spoken of. Wherein, because the impropriations of Parochiall Churches appertaining now to the King, Nobles, Commons, Colledges, Schooles, Bodies politike, &c. were at the first appropriated only by the discretion of the Dioceſans, Predecessors to the reverend Bishops that now are, unto Abbots, Priors, Nuns, Friars, &c. and because the successors of those Dioceſans be bound in the same band of iniquitie with their predecessors, unlesse by all good meanes they labour that things may be brought to their first, and pristine state, it seemeth equall and just, that this commutation should likewise proceed and be drawn from the Dioceſans, and great Churches before specified.

The reasons whereof may be such as follow.

The Lands and possessions given by the Kings progenitors, the Earls, Barons, and other great men of the Realme, to Bishopricks, were not given (as Master *Bilson* affirmeth) to unburden the people of the support and charges of their Bishops, but they were given (as the Law of our Land teacheth us) first, to informe the people in the Law of God in those Churches; Secondly, to keepe Hospitalities, almes, and other workes of charitie; And thirdly, for the soules of the founders, their heires, and of all Christians. Now then, if some of these conditions be such as for the impietie thereof ought not to be performed, and if other some also, being good and godly, be not performed, and so the things are to returne to their first nature, as in the same statute is alledged; then is it reason, that the King and Nobles, who are the just inheritours and successors, to those who were first Donours, and founders of those Churches, should have as free a disposition, and donation of those lands and possessions now, as his, and their progenitors and ancestors ever had. And seeing it is manifest, that the lands and possessions of Archbishops, Bishops, Deanes, and Chapters, doe not for the most part, now a dayes serve for those good uses, for the which they were first granted, namely, to informe the people in the Law of God, to keepe hospitalities, almes, and other workes of charitie, but partly for the use of chaunting, and singing in the quires; and partly to vaine, idle, superfluous, and pompous uses, the king can not doe a better and more charitable deed, than to convert a parcell of the same lands and possessions (thus by defect of the conditions not performed, returning to their first nature) to and for the necessarie

Perpetuall  
power,  
pag. 367.  
25 Ed. 3.  
statutes for  
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Bishopricks  
founded to  
some sum-  
ptuous uses.

and perpetuall provision of learned, able, and preaching Ministers, to be planted in parochiall Churches, now destitute of sufficient pastors, for want of sufficient maintenance, may sithence Archbishopricks, Bishopricks, and other prelacies, by the very expresse letter of the statute; are said to be founded to superstitious uses: viz. for the soules of the founders, their heires, and of all Christian, the same reason led King *Henry* the eight, his Nobles and Parliaments, to dissolve Abbeyes and Monasteries, and the same reason also, which moved King *Edward* the sixth, with his Nobles, and Parliament, to dissolve Colledges, free Chappels, and Chauntries, the same reason, may be a sufficient reason, to perswade our Sovereigne Lord King *JAMES* that now is, with his Nobles and Parliament, to dissolve Archbishopricks, Bishopricks, Deanries, &c. First, to the end these Prelacies and Dignities, may never in any succeeding ages, serve to any such superstitious uses, as whereunto they were first erected. Secondly, that the King having them all in his owne hands, and free disposition, may be the only founder and donor of so many new Bishopricks as might please him to erect, and endow with such liberall, and convenable endowments, as might serve for learned Evangelicall Bishops to enforce the people in the holy Evangell of Christ, to keepe hospitalities, almes, and to doe other workes of charitie, rather than to bee expended, as now for a great part they are, upon the keeping of great horses, caroches, and troupes of serving idlers. The commutation then whereof we speake, and which wee most humbly commend, to the consideration of the King, is, viz. That parcell of the temporall Lands and possessions of Archbishops and Bishops, together with all the lands and possessions, serving to the maintenance of idle Ministers, and idle Songsters, in Cathedrall and Collegiate Churches (the Collegiate Churches of *Eaton* and *Winchester*, and the Cathedrall and Collegiate Churches in *Oxford* and *Cambridge* excepted) by an equall and reasonable proportion, may be made, with such impropriations, as belong to the King, the Nobles, Commons, Colledges, Hospitals, Schooles, &c. Provided as before hath beene said, that there may be a liberall and convenable endowment, for the learned Bishops or Pastors, to be continued and placed in all the chiefe and principall towns and cities of the Realm. And that the impropriations of Parochiall Churches may for ever be livings for the Ministers of the same Churches. And therefore in the just defence of the innocencie of all such as require a godly and religious reformation, we say, that they ought not, to have beene traduced before the king, as robbers and ranfackers of the Church. And that some of the plotters for the Prelacie, more

honestly might have imployed both their Latine and their labour, than lately they did. When by drawing Letters (as they pretended) congratulatory to the King, only in the name of Preaching Ministers, they procured notwithstanding ignorant, and unpreaching Ministers to joyne in the action, and to affixe their hands and names. That such letters have beene made and signed, is sufficiently to be proved, but whether they have beene presented to the Kings hands, is not yet knowne. Only if they shall hereafter come, then may they be knowne by these words: *Nos Concionatores, &c. ab omni domestica capacitate eorum, qui prætenu religionis, ecclesie insidiantur.* My Lord the King is wise, according to the wisdom of an Angell of God, to understand all things whereof he is informed.

1 Sam. 14.  
24.

Publike redemption  
of impropriations.

The third means to reduce impropriations, unto the possession of the Ministerie is by way of publike redemption or purchase. For the accomplishment whereof it is necessarie, that not only a common treasure be provided, but also that the price of impropriations, by a publike consent be valued, at a reasonable rate to make, which rate will bee a matter of small weight, whether they bee valued to bee bought and sold, at their old and ancient, or at their new and improved rents. To provide a common treasure, though to some it may seeme a matter intricate, and troublesome, yet seeing the same possibly and conveniently may be done, there is no cause, that men should faint, before they fight, or be at an end, before they begin. It is written that the cause when king *Solomon* raised the tribute, to wit, was to build the house of the Lord, his own house and *Millo*, and the wall of *Ierusalem*. After that wicked *Athaliah* and her children, had broken up the house of God, and had bestowed all the things, that were dedicate for the house of the Lord, upon *Balaam*, King *Ioash* commanded the Priests and Levites, to go unto the Cities of *Judah*, and to gather of all *Israel* money to repaire the house of God, from yeare to yeare, and they made a chest, and made Proclamation to bring the tax of *Moses*, and the Princes rejoyced, and brought in, and cast into the chest. And when there was much silver, they emptied the chest, and carried it, to his place againe, and thus day by day they gather silver in abundance. If then towards the building of an earthly house, the Princes and people of *Judah* and *Israel*, willingly with joy of their hearts, from yeare to year, and from day to day, threw silver in abundance into the chest, how much more were it praise worthy, if Christian people, did encourage themselves, to pay a smal tribute towards the provision of a competent maintenance, for their spirituall pastours, by whose labours, as lively stones, they might be builded up into a spirituall temple in the Lord?

1 Kin. 9. 15

2 Chr. 24.

That

That many and great taxes and tributes of late yeares have bene made for many uses, and to many purposes, there is no man ignorant thereof. And therefore though there be little reason, that the people standing already burnd, with great charge, should be againe recharged, especially when without any extraordinarie burthen, there is an ordinarie meanes, (if the same were accordingly bestowed) by the people yeelded, to relieve the Ministers in all places, with a decent and comely portion; yet notwithstanding to be eased, from those publike payments, and annuall grievances, imposed by the Ecclesiasticall Courts, upon the people is not to be doubted, but the parishioners in all places would willingly pay any reasonable tax or tribute, to be demanded of them for this purpose.

An other meanes to raise this publike treasure, may be a dissolution of all free Chappels, and Chappels of ease in the Countrey, together with an union of two or moe Churches into one, especially in Cities and great townes. For as in these Cities and Townies, the poorest, and meanest livings bee provided, so generally for the most part, are they fitted, with the poorest, and meanest Curates, as by most lamentable experience is to be seene, in all the Episcopall Cities of the Realme, excepting *London*. Nay the chiefe and Metropolitane Citie of *Canterbury* is not to be excepted. For in that Citie there being about 12, or 13, Parish Churches, there hath not bene ordinarie of late yeares above 3. or 4. able Preachers, placed in the same Churches.

The Chappels to be dissolved, and the Churches to be consolidated by two, and two into one, and one can be no fewer in number than one thousand at the least. All which if they might be sold, the money to be raised upon their sale, could bee no lesse than twentie thousand pounds, if they were sold only for twentie pounds a peece. But if they be well worth double or treble so much, then would the treasure also be double or treble. This dissolution of Chappels, and union of Churches, is no new device, nor strange innovation: but hath bene heretofore thought upon, and in some part confirmed already by our Kings in their Parliaments. Touching the dissolution of Chappels, the most reverend Father *Thomas Cranmer*, Archbishop of *Canterbury*, with the residue of the Kings Commissioners, appointed for the reformation of Ecclesiasticall lawes alloweth of the same. And for the union of Churches, there was an act made 27. H.8. so they exceeded not the value of six pounds. And by a statute 1 Ed. 6. it was lawfull for the Mayor and Recorder of the Citie of *Yorke*, and the Ordinarie or his Deputie, and six Justices of the peace in the same Citie, to unite and knit together, so many of the poor parishes of the same

The dissolution of Chappels may bee a good mean to raise a tribute.

Dissolution of Chappels no new device.

Titu. de ecclesiasticis. fol. 54.

Lawfull for  
the Major  
of Yorke,  
&c. to unite  
Churches  
in the Citie  
of Yorke.

Wh at rea-  
sons moved  
K Ed. 6. to  
unite Churches  
in  
Yorke may  
move king  
James to unite  
Churches in  
Canterbury  
&c.

Chappe's,  
the seminaries  
of hirelings.

By the dissolution  
of Chappels  
many suits  
in law  
should be avoided.

Cities and suburbs of the same, as to them should be thought convenient, to be a living for one honest incumbent. And it was lawfull for the said Major, Recorder, and Aldermen, to pull downe the Churches, which they should think superfluous in the said citie, and suburbs of the same, and to bestow the same, towards the reparation and enlargement of other Churches, of the Bridges in the Citie, and to the relief of the poor people. The considerations which moved the King and Parliament to ordaine this act, were these, *viz.* The former incompetency of honest livings, the former necessitie of taking very unlearned and ignorant Curates not able to doe any part of their duties; the former replenishing of the Citie, with blinde guides and Pastors; the former keeping of the people, as well in ignorance of their duties to God, as also towards the King and Common weal; and lastly the former danger of the soules of the Citizens. If then in these dayes it might please the King to apply like plaisters, to the like sores, to provide remedies for the like mischiefs, and for the like diseases, to minister like medicines, it would come to passe no doubt, in few years, that the lame and the blind and the broken, with a number of unhallowed and unclean beasts, should be swept, and cast forth of all the Parochiall Churches, within *Canterburie, Winchester, Chichester, Lichfield, Oxford*, and other great Cities of the Realme. For these Chappels, and smaller Churches, being the very Seminaries, of all hirelings, and idle Shepheards, a Benefice can no sooner become void, but the poore and hungry Chaplaines, w. arie of their thin dyet, and long leaping after a beane, presently trudge to the Patron, offering, or accepting any conditions to-bee presented by him. And not only should the Church by this meanes, bee rid of these vermine, but also the learned and Preaching Minister, without further aide or contribution, in those places, might have more liberrall maintenance, than erst they have had. For then should they be no more constrained, to deduct out of their livings, by reason of Chappels yet standing, and as it were annexed to their parish Churches, some 10 pound, some 20. pound, some 30. pound by the yeare, for the wages of these hirelings, besides this a singular and apparant benefit, could not but redound to the Common weale, by the dissolution of these Chappels, when as many, long, tedious, and changeable and uncharitable suites, heretofore had and commenced, should hereafter be extinguisht, betweene the parochians of the mother Churches and the inhabitants of *Hamblets*, for and concerning the repaire, and reedifying of the said Churches, and Chappels, and for other rights, and duties challenged to belong from one unto the other.

A third



A third meanes to leaue a treasure, for the redemption of impropriations, may be a sequestration of the fruits of the Churches of non Residents, and commendimes, with the fruits of the Churches of the pluralists, and *perinde valet*, from the which same the pluralised persons are to depart, the said sequestration no longer to endure, than some able Ministers may be provided and placed in the same Churches.

A fourth meane to raise this treasure, if it please the king, and that the Church have found favour in his sight, may be the money due unto the King upon such penall Lawes, as for the benefit of the Common weale, are necessarily to be put in execution, and especially upon the law of provision and premunire, not pardoned by the Queene. And albeit happily the King, upon a most worthy and Christian zeale, be well pleased hereafter not to urge upon the popish recusants, the payment of their forfeitures, for absence from divine service, yet because they be able and do daily contribute to seminaries abroad, and be favourers and abettors of popish Priests and Jesuites, lurking at home, the most treasonable and dangerous enemies, that can be to the Kings Person and State, in consideration hereof (I say) if it may please the King, it seemeth not unreasonable (the law standing still in force, and unrepealed) that the popish recusants be urged to the payment of such summes of money, as are already forfeited; the same by the commandment, and free gift of the King to bee employed upon the redemption of such impropriations, as are within the parishes of their abodes. To the end that learned, and preaching Ministers, being placed in the same, they & their wives, children, servants, tenants, and dependants, by the powerfull preaching of the word, might be converted unto the Gospel.

It followeth now in order, that wee speake of contribution, the fourth meanes whereby some impropriations may be reduced wholly to the use of the Ministerie. Wherein there can not any certaine rule, or direction be prescribed: because it must proceed onely from those, whose hearts God shall touch, stirre up, and encourage, willingly to bring a free offering unto the Lord, for the building up of his spiritual house. For of every one (saith the Lord) whose heart offereth it freely, ye shall take an offering for mee. And every one whose heart encouraged him, and whose Spirit made him willing, and men, and women, as many as were free-hearted, came and brought, taches, and earings, and rings, and bracelets, all were jewells of gold, and blew silke, and purple, and scarlet, and fine linnen, and Goates haire, and Rammes skinnies, and Badgers skins, and silver, and brasse, and Shittim wood.

Sequestration of the fruits of the Churches of pluralists may further the redemption of impropriations.

By what contribution impropriations may be brought to the use of the ministry.

Exod. 25. 2.

Exod. 35.

Exod. 36. 5.

1 King. 8.

Ezr. 1. 2. 68.  
&c.

Neh. 2. &amp;c.

Neh. 5.

2 Chro. 11.

wood, and Onix stones, and Spice, and Oyle: Every man, and woman, (I say) whose hearts moved them willingly to bring for all the work, which the Lord had commanded, brought a free offering, yea and the people brought too much, and more than enough, for the use of the worke of the Lord. King *Salomon* having all the Elders, the heads, the chiefe Fathers, and all the men of Israel, and the Priests and Levites, to bring up the Arke and Tabernacle of the Lord, offering Beeves, and Sheepe which could not bee numbred for multitude. Yea and after these offerings were made, and after the King had prayed, that their heart might be perfect with the Lord their God, to walke in his statutes, and to keepe his commandements, as at that day; the king againe offered a sacrifice of two and twenty thousand beeves, one hundred and twenty thousand sheepe, and so was the house dedicated. After the returne of the people out of captivitie, certaine of the chiefe Fathers, when they came to the house of the Lord, which was in *erusalem*, they gave after their abilitie, unto the treasure of the worke, even one, and three score thousand drammes of gold, and five thousand peeces of silver, and an hundred priests garments: they gave money also to the Masons, and to the workemen, and meate, and drinke, and oyle. Yea at the exhortation of *Nehemiah*, the Priests, the great men, the people, and the women, that they might bee no more a reproach, set their mindes to the building of the walls, and at their owne charges, builded some one gate, some another; some one doore, some another; some one tower, some another: some one portion of the Wall, some another. Wherefore, seeing wee have not an *Ester* to succeed our *Deborah*, but a *Salomon* rather to succeed a *David*; yea such a *Salomon*, as whose heart the Lord hath filled with an excellent spirit of wisdom, of understanding and of knowledge, to find out, and to dissolve hard and curious parables, and hath put in his heart to teach and to guide others; we rest perswaded in our hearts, that the King for his part, treading in the steps of the godly Kings, Princes, and Governours of *Judah*, will goe in, and out, before his people, as they did before theirs. And that he will rather not eat of the bread, nor drinke of the wine, of the governours that were before him, than that he will not remit the provisions, the leaselements; he syries, the impositions, and the amerciements, that have beene exacted. Yea also that he will feed from his owne table, an hundred and fiftie Prophets, and prepare for them oxen, and sheepe, and birdes, and wine in all abundance, because they are come unto him, from among the prelatists that were about them, because their bondage hath been grievous unto them. Yea further also, we are perswaded, that he will shake

out;

out of his Lap every servant of his, that shall beare rule over his people. And thus much of the meanes whereby some impropriations, may wholly be reduced to the use of the Ministerie. It followeth to shew by what meanes other impropriations, may bee converted in part, to the maintinaince of Ministers to be planted in parochiall Churches, now destitute of able Pastours, in case the same impropriations by none of the former meanes, can bee reduced wholly to their first and ancient institution. Wherein these two things come principally to be considered.

First, whether it were not convenient, by some wholesome law, to have it ordained, that the Heads, Governours, Rulers, and Masters of the Vniuersities, Colledges, Cities, Townes, Hospitals, free Schooles, and other bodies politike and corporate, should not from henceforth demise or set to farme their, or any of their impropriations, or any of their glebe Land, Tythes, or other fruits belonging to the same, untill such time as all leases heretofore made, bee fully ended, or otherwise determined.

how improp-  
riations  
may be in  
part, redu-  
ced to the  
Ministerie.

Secondly, whether it were not convenient to have it enacted, by the same law, that all and every impropriated Church and Churches, with their glebes, tythes and other fruits, after the determination of the leases now in being, should bee demised and set to farme, onely to the incumbent Ministers of the same Churches, for terme of their naturall lives, if so long they did continue resiant, and faithfully preach in the same Churches, the doctrine of the Gospell, according to the articles of Religion, concerning Faith and Sacraments; by publike authoritie, now established in the Church of England. And because by likelihood the Vicars will not be able to pay fines or incomes unto the Colledges, Hospitals, and other places, and because also it seemeth reasonable, that the Colledges, Hospitals, and other places, by some other meanes, should be recompenced, wee leave it againe to be considered, whether it were not convenient that the Vicars, in consideration of non payment of fines, should yeeld in money, corn, or other provision, to the double, or treble value, of the ancient and unimproved rents. For men experienced in these affaires of this life, know that the profits arising out of Churches appropriated unto the farmours thereof, are commonly six, eight, or ten times more worth by just estimation, than are the old rents, payable unto Colledges, Hospitals, and other like places. And thus wee see how together with the bringing in of these things, which are required to bee planted in the Church, impropriations may stand, as mens lawfull possessions, and heritages, or otherwise how without damage or hurt to

the King or Realme, they may be converted to the use and provision of the Ministers, whatsoever hath bene insinuated by the Admonitor to the contrary. And yet doe I not in any of these things, or of any other thing, first or last, spoken, or to be spoken, desire mine owne advice and judgement so to be respected, as though I should arrogate unto my selfe more knowledge than all others, which labour in the cause of reformation: but onely I submit these my private meditations with their reasons, to the censures of all wise, godly, and learned men. Humbly praying them so to bestirre their owne wits, and so to bestow their owne cunning, and learning, that a better and more easie way, by their ingenuosnesse, may be found out, and procured to take place. And in the meane season, that these motions tendered to their views, may not altogether be neglected, but duly weighed, and considered. Especially for that I have not tendered any other thing to be performed, by any of these meanes, unto any other, than such as wherunto I my selfe to my power, yea and beyond my power as far as in me lyeth, shall be ready to yeeld.

And howsoever the Bishops and other great Clergie Masters, with their stately favourites, may pretend some part of this device, to bee an hinderance of learning, and other some part not to be for the Kings profit; yet to the first we answer briefly, that learning is not so much furthered by a few great rewards; provided for a few great learned men, as it is by many good rewards, appointed for many good learned men, as hereafter more at large, in a more convenient place is declared. Touching the Kings profit, we affirme, that it is not only most profitable, but also most honourable for the King, to have a multitude of loyall, vertuous, and godly subjects. And that such manner of subjects, can by no meanes better bee procured, than by a continual preaching Ministerie of the Word, to be plaunted in every parish, of the Kings Realmes. And because no man better knoweth the reciprocal duties, betweene a Christian King, and Christian Counsellors, we leave the discerning of the spirits of these profit preachers to the tryall and judgement of the most Christian King; whom if he shall finde, either by flatterie, to fawne upon the Kings profit, or by labouring to keepe the King in a good opinion of things amisse, wee most humbly beseech the King to accept them, and reward them for such, as could wish in their hearts, the king should rather bee impoverished by having many bad, and unprofitable subjects, than that themselves would not be enriched, by enjoying many good and profitable impropriations. As for the Lawes whereby patronages do stand, as mens lawfull possessions, and inheritances, which (as the Admoni-

tor faith) must also be taken away, how the same lawes may still endure, or by consent of patrons, bee altered without their damage (if God permit) when we come to speak of the elections of Ministers, wherein the reformers are charged with the burling, and thrusting out of Patrons, shall be declared.

ADMONITION.

*The lawes of England to this day have stood by the authoritie of the three estates, which to alter now by leaving out the one, may happily seeme a matter of more weight, than all men doe judge it.*

ASSERTION.

Not to stand upon termes with the Admonitor, that the lawes usually called the common lawes of the land, being more custumarie lawes, did never yet stand by the authoritie of the three estates, I will take his meaning to bee, that the statute lawes of England, to this day have stood by authoritie of the three estates, which to alter now by leaving out the one, &c. and then therunto, I answer, that not any one of the three estates should be left out, or barred, from having authoritie in making and promulging statute lawes, though the government of the Church, by Pastors and Elders were brought in. For we which so much cry (as he saith) for this manner of government, to be planted, are so farre from exempting, or excluding any one of the three estates, from their ancient power, privilege, and preeminence, in the making of statute lawes, as that wee pronounce him to be gully of high treason, to the King and to the Realme, that avoweth the contrary. And we affirme directly, and confesse plainly, that it belongeth only, wholly and altogether, to the three estates, as well to roote out, and to pull up, whatsoever government, is not justifiable, by the holy law of God: as also to plant and to settle, whatsoever discipline is warrantable by the same law. And to speak as the thing is, how were it possible to have the discipline by Pastors and Elders planted by authoritie of the three estates, if one of the three estates should be left out? or can it be imagined, that any one of the three estates, would ever consent, to the bringing in of such a government of the Church, as whereby (the same government being once brought in) the same estate, should ever after wards cease to be any more an estate?

The bringing in of the discipline by pastours and elders is not the leaving out of parliament any one of the three estates



The state of  
the prelacie  
is not one  
of the three  
estates in  
parliament.

Besides we acknowledge that all powers are of God, and therefore every one of the threestates, being a power; we grant that the same hath his stateship, by the authoritie of God. And if all the three estates be lawfull by the holy law of God; how can it bee verified against us, that we, which urge the same holy law, for the bringing in of the discipline by pastors and elders, should notwithstanding contrary to the same law, intend the leaving out, or altering any one of the three estates? But which of the three estates was it that he meant, should bee left out? I trow there is none of the state of prelacie, so ill advised, as to take upon him the proof of this position: *viz.* That the Lords spiritual by themselves alone, doe make one of the three estates, or that the statutes of England, to this day have stood by their authorities, as by the authoritie of those, who alone by themselves are to be accompted, one of the three estates. For if that were so, how much more then, might the great Peeres, Nobles, and temporall Lords, challenge to make by themselves an other estate? And without contradiction, to this day the commons summoned by the kings writ, have ever been reckoned a third estate. Now then if statutes have hitherto stood, by authoritie of the Lords spiritual, as of the first estate, by the authoritie of the Lords temporal, as of the second estate, and by authoritie of the commons, as of the third estate, I would gladly be resolved, what accompt the Admonitor made of the Kings estate. It had not bene liegences, nor loyaltye (I am sure) howsoever hee spake much of the Lords spirituals dutie and fidelitie in the execution of our late Queenes lawes, to have set her Royall person, authoritie and state, behind the lobbie, at the Parliament doore. Either the kings Royall person then, as not comprised within the compass, and circumscription of the three estates, by his meaning (which had bene but a very bad meaning) must be thought to have bene hitherto secluded, from authorizing the statute lawes, made in Parliament. Or els it is a most cleare case, that the Lords spiritual themselves alone, do not make any one of the three estates. And what matter then of more weight, may it happily seeme to be, to alter the authoritie of the Lords spiritual, and to leave them out of the Parliament, when as notwithstanding, they being left out, the statutes of England, may remaine and continue, by authoritie of the three estates. And it were not amisse for the Lords spiritual, to consider, that the bodie and state of the weale publike, both now is and ever hath bene, a perfect, entire and complete bodie, and State, without the bodie and state of Prelacie: and that the King, and Nobles, and Commons of the Realme, without Prelates, Bishops or Clerkes, doe make up all the members and parts of the bodie, and of the state; and may therefore



ordaine, promulg and execute, all manner of lawes, without any consent, approbation or authoritie yeelded into the same, by the Bishops spirituall, or any of the Clergie. And thus much our Divines, Histories, and Lawes do justifie. Sir *James Dier*, Lord chiefe Justice of the Common pleas in his reports, telleth us that the state and bodie of a Parliament in England, consisteth first of the King, as of the head and chiefe part of the bodie; secondly of the Lords, as principall members; and lastly of the Commons as inferiour members of that bodie.

By a statute of provisoers, it appeareth, That the holy Church of England, was founded into the state of prelacie within the Realm of England, by the grand father of King *Edward* the third, and his progenitors, and the Earles, Barons, and other Nobles of the Realme, and their Ancestors, for them to informe the people of the law of God, and to make hospitalities, and almes, and other workes of charitie, in the places where the Churches were founded. From whence it followeth: First that the Archbishops and Bishops only and alone, doe not make of themselves any state of prelacie, but that the whole holy Church of England, was founded into a state of Prelacie: Secondly it is plaine, that the Kings of England, before they and the Earles, Barons, and other Nobles, and great men had founded the holy Church of England, into a state of Prelacie, ought and were bounden, by the accord of their people, in their Parliaments, to reforme and correct whatsoever was offensive, to the lawes and rights of the crowne, and to make remedie, and law in avoiding the mischiefes, dammages, oppressions and grievances of their people, yea and that the Kings were bound by their oathes, to doe the same lawes so made, to be kept as lawes of the Realm, though that thorough sufferance, and negligence any thing should at any time be attempted to the contrary. For whereas before the statute of *Caerlisle*, the Bishop of Rome, had usurped the Seignories, of such possessions and benefices, as whereof the Kings of the Realme, Earles, Barons, and other Nobles, as Lords and Avowes ought to have the custodie, presentments and collations. King *Edward* the first, by assent of the Earles, Barons, and other Nobles, and of all the communalitie, at their instances and request, and without mention of any assent of the state of prelacie, in the said Parliament holden at *Caerlisle*, ordained that the oppressions, grievances, and damage sustained by the Bishop of Romes usurpation, should not from thenceforth, be suffered in any manner. And forasmuch as the grievances and mischiefes mentioned in the said Act of *Caerlisle*, did afterward in the time of King *Edward* the third, daily abound to

Anno 16. h.  
8. fo. 31. h  
& Anno m.  
1. fo. 93. a.

25. Ed. 3.  
holy church  
founded in  
the state of  
prelacie by  
the King.

These uses  
are changed  
to the keep-  
ing of grece  
horses, great  
troopes of  
idlers with  
long haire,  
and great  
chaines of  
gold.  
6 Eliz. c. 1.  
The King  
bound to do  
lawes made  
without as-  
sent of pre-  
lates to be  
kept as  
lawes of the  
realmes.

31 Ed. 5.  
stat. of hoc.  
ring.

36 Ed. 3. c. 6.  
8 Ed. 3. s.  
statute of  
provisours.

The king  
with the  
assent of  
the nobles  
and com-  
mons, may  
repeale sta-  
tutes with-  
out consent  
of prelates.  
35 Ed. 3.

greater damage and destruction of the Realme, more than ever before, and that by procurement of Clerks, and purchasers of grace from Rome the said King *Edward* the third, by assent, and accord, of all the great men, and commons of this Realme, and without mention of any assent of Prelates, or Lords spirituall, having regard of the said Act of *Curtille*, and to the causes conteyned in the same to the honour of God and profit of the Church of England, and of all this Realme, ordained and established, that the free elections of Archbishops, Bishops, and all other dignities, and benefices, elective in England, should hold from thenceforth, in the manner as they were granted by the Kings progenitors, and founded by the ancestors of other Lords. And in divers other statutes made by King *Edward* the third, it is said, that our soveraigne Lord the King by the assent of the great men, and all the Commons hath ordained remedie &c. That it was accorded by our Sovereaigne Lord the King, the great men, and all the commons, that the King chiefly desiring to sustaine the people in tranquillitie and peace, and to governe according to the lawes, usages, and franchises of his land, by the assent and expresse will and accord of the Dukes, Earles, Barons, and the Commons of his Realme, and of all other whome these things touched, ordained that all they, &c. By which desire of the King, and words of the Act, we learne, that our soveraigne Lord King *Lamer*, may sustaine his people, in tranquillitie and peace, and governe according to the lawes, usages, and franchises of his kingdome, though the assent, and accord of Prelates bee never required to the enacting of any statute in Parliament. Nay such hath beene and yet is the power of the King, that with the assent and accord of the Nobles, and Commons, he hath authoritie to adnull, and make voide, even these Acts which in favour of Prelacie, and assent of Prelates, have beene enacted in Parliament. As by an Act made in the time of King *Edward* the third, is plainly to be seene. For whereas the King by assent of the Prelates, Earles, &c. had willed and granted for him, and for his heires, certaine articles firmly to be kept, and holden for ever, namely that the Ministers of holy Church for money taken for redemption of corporall penance, nor for prooffe, and accompt of Testaments, nor for solemnitie of Mariage, &c. should not be impeached, &c. before the Kings Justices; neverthelesse the same king, in the same yeare, with assent of the Earls, Barons, and other wise men of the Realme, and without assent of Prelates, revoked and adnullled the same articles againe.

Again king *Richard* the second hearing the complaints of his faithfull kige people, and by their clamour in divers parliaments of divers abuses

sheweth kept in against the solemne, and devout ordinations of Churches, &c. at the request, and complaint of the commons, by the advice and common assent of the Lords temporall (without mention of any Lords spirituall) is said to have ordained, That none of the kings liege people, &c. should take or receive within the Realm of England, any procuracie, &c. And in the eleventh yeare of the same kings reign, it is especially provided, that the appeals, pursuits, &c. made and given in the same parliament, be approved, affirmed, and established, as a thing duly made, for the weale and profit of the king, and of all the realm, notwithstanding that the Lords spirituall, and their procurators, did by protestation, absent them out of the Parliament, at the time of the said judgement given. And the like protestation being made by the Prelates and Clergie, at a Parliament, holden the third yeare of the same king, it was replied for the king, that neither for their said protestation, or other words in that behalfe, the king would not stay to grant to his Justices in that case, and all other cases, as was used to be done in times past, and as he was bound, by vertue of his oath at his coronation. By all which premises it is as cleare, as the Sun shining at noon day, that the Lords spirituall be so farre from making any one of the three Estates, as that (if it please the king) they may not bee so much as any member, or part of any of the three Estates at all. If in the time of king Henry the eight the Lords spirituall (being then more in number than the Lords temporall) had bene but such principall members of the high estate of Parliament, as without whom, neither law could have bene made, Monasterie nor Priorie might have bene dissolved; what could the king have done as head, and the Commons have done as feet, and the Nobles have done as the heart, the Liver and the Longs, to the disordring and discloystering of the Abbots, and Priors, the Monkes and the Friars of those dayes. In case the Prelates with their armes, and with their shoulders, with their hands, and with their homes, had heaved, and shoved, and pushed, and thrust to the contrary. But to come neater unto our owne times, and remembrances, if it cannot be proved, that above one Lord spirituall was present in parliament, and gave any assent to the enacting of statutes, made in the first yeare of the Queenes Majesties raigne deceased, but that it bee a cleare case, that the ancient jurisdiction, preeminences, rights, and priviledges of the kings Crowne, were restored, that poperie and superstition was banished, and the doctrine of the holy Gospell harboured only by the Queene, the Lords temporall and commons, what more plaine evidence or better proove can there be, that the Lords spirituall by any necessitie be neither principalls nor accessaries, neither bran-

3 R. 2 c. 3.  
7 R. 2 c. 13.

Ad. & Mo.  
R. 2.

The king bound by his oath, to do his laws to be made though prelates protest against him.

The Lords spirituall no principall members of the parliament but otherwise than as the King pleaseth.

No Lords spirituall present in parliament. 1 El.

ches nor buds, nor any essentiall member of the house of Parliament. And of this opinion are the soundest Historians, and sincerest Divines of our age.

A. Q. & M.  
fol. 320.

In the fifteenth yeare of King *Edward* the third (saith Master *Fox*) divers petitions being put up in Parliament against provisions coming from *Rome*, the Kings answer and agreement was made in form following: viz. It is agreed by the Kings, Earles, Barons, Justices, and other wise men of the Realme, That the petitions aforesaid, bee made in sufficient forme of law. Where it is to be noted (saith hee) that at the grant hereof, the consent of the Bishops is neither named nor expressed, with the Lords of Parliament, and yet the Parliament standeth in his full force notwithstanding. At an other Parliament (saith he) *William Wicham*, Bishop of *Winchester*, for a slanderous report favouring of a contumelious lye, and proceeding of a subtille zeale, meaning falshood, was so by the Duke of *Lancaster* pursued, that by act of Parliament he was condemned, and deprived of all his temporall goods. And this seemeth to have beens done (saith Master *Fox*) without assent, and against the wills of the Lords spirituall; for afterward at an other Parliament, great suite was made by the Clergie, for deliverance of the said Bishop: and being asked a subsidie in the Kings behalfe, with great lamentation they complained, for lacke of their fellow and brother of *Winchester*, and denyed to joyn themselves in any tractation of any such matter. And in another Parliament holden at *Yorke*, in the sixth yeare of King *Edward* the third, all such lawes, as then passed, and were concluded by the King, Barons, and Commons, were good, notwithstanding the absence, or malice of the Lords Spirituall. For it is recorded (saith he) that onely the Archbishop of *Yorke*, the Bishop of *Lincolne*, and the Abbots of *Yorke* and *Silby* were there present.

A. Q. & M.  
525.

A. Q. & M.  
529.

In a booke intituled the burning of Pauls Church in *London*, 1561. and in the fift question moved by a papist, it is said, that this manner of ministrat[i]on of Sacraments, set forth in the booke of Common prayers, was never allowed, nor agreed upon, &c. no not by the Clergie of England, at the last Parliament, but only it was agreed upon, by the Laitye which had nothing a doe with spirituall matters, or causes of religion. Whereunto the reverend Father Master *Pilkington* Bishop of *Durresme* answering: was there not (saith he) a disputation for Religion, appointed by the Queenes Majestie, wherein your Clergie was affraid to utter their foolishnesse, in defending their superstition, lest they had taken more shame in answering, than they did in holding their peace? I thinke the Univer[s]ities with so many places of this Realme:

M. Pilkington  
Bishop  
of Durresme.

Realme receiving religion, and these other disposing for it, may bee counted to be some part of the clergie of the Realme. And so it was not received without consent of the Clergie: But these were not of the Parliament, What then? But as *Isaiah*, *Josaphat*, *Ezechias*, and *Josiah*, did not make a new Religion, but restored that which was defaced and had long lye buried; so our Parliament, did not set forth a new religion, but restore that, which was godly begun before the good *K. Edward*, confirmed by the Parliament, and Clergie then, &c. But nothing can bee concluded, as a law by Parliament, (say they) without consent of the Clergie there present. But this having not their consent, cannot be counted a law, as they think. I had rather (saith *M. Pilkington*) leave this to be answered by the Lawyers, than otherwise. Yet that the world may see, that something may be said in it, we grant him not this to be true, that no law at all can be made without consent of Bishops. Look your old statutes of Parliament, when Bishops were highest, afore *Edward* the third, and ye shall read, that they passed by consent of the Lords temporall, and commons, without any mention of the Lords spirituall, which statutes, many of them stand in strength at this day. Then it may well be gathered, that the consent of the Clergie, was not alwayes so necessarie as they thinke it. The Lawyers, Judges, and Justices put in practice and execute these lawes, therefore their doings, may be a sufficient reason, to lead the unlearned, what opinion they have of this statutes. For Religion (except Justice *Rassall*) first executing that, and afterward running away, may condemne the rest, which I trust he may not; I thinke they would not execute them, except they had the strength and nature of lawes. If they doe contrary to their knowledge and opinion, they cannot be able to answer their doings, but I think no wise men are of this opinion. Only these corner creepers, that dare not shew their face, and would deceive the people, go about to deface all good and godly order, that displeases them. In the dayes of *K. Edward*, they had the like fond opinion, that the king could not make lawes in his minority, untill he came unto full age, and to make the people to disobey their Prince. Hitherto *M. Pilkington* L. Bishop of *Durisme*; with whom the most worthy and learned *M. Jewell*, late Bishop of *Salisbury* agreeth in every point.

*M. Jewell*  
B. of *Salisbury*.

The wise and learned (saith hee) could have told you, that in the Parliaments of England, matters have evermore used to passe, not of necessitie by the speciall consent of the Archbishops and Bishops, as if without them no statute might lawfully be enacted, but only by the more part of voyces, yea although the Archbishops and Bishops were

never so earnestly bent against it. And statutes so passing in Parliaments, onely by the voyces of the Lords temporall, without the consent and agreement of the Lords spirituall, have neverthelesse beene alwayes confirmed, and ratified by the Royall assent of the Prince, and have beene enacted and published, under the names of the Lords spirituall and temporall. Reade (saith hee) the statutes of King *Edward* the first, there shall ye find, that in a Parliament holden at *S. Edmundsbury*, the Archb. and Bishops were quite shut forth, and yet the Parliament held on and good, and profitable lawes were there enacted, the departing, or absence, or malice of the Bishops spirituall notwithstanding. In the Records thereof it is written thus: *Habito Rex cum suis Baronibus Parlamento, & Clero excluso statutum est*: The King keeping a Parliament, with his Barons, the Clergie, that is to say, the Archbishops and Bishops being shut forth, it was enacted, &c. *In provisione de matronda* in the time of *K. Edward* the third, whereas matter was moved of bastardie, touching the legitimation of bastards, borne before mariage, the statute passed wholly, with the Lords temporall, whether the Lords spirituall would or no. and that contrary to the expresse decrees and canons of the Church of Rome. And thus much the most reverend and godly Father *M. Trivell* Bishop of *Salisbury*. Wherefore to conclude this point against the Admonitors position, I dispute thus:

*All those persons, who by any necessitie, are none of the three estates, and by whose authorities, the Statutes of England, to this day, have not stood, to leave out the same persons, may happily seem a matter of lesse weight, than all men do judge it:*

*But the Archbishops and Bishops, are such persons, as by necessity are none of the three estates, and by whose consents, the statutes of England to this day, have not stood,*

*Therefore to leave out the Archbishops and Bishops may happily seem a matter of lesse weight than all men doe judge it.*

If our Evangelicall Bishops be of that opinion, of which the Popish Bishops were, viz. that the house of Parliament is an unfit, and an unmeet place, to have the holy cause of the religion of God debated and concluded upon, and that the Laitie without the clergie ought not to conclude any thing in Religion, and that in respect hereof, their presences, their voices, and their assents are necessary in the Parliament: If our Evangelicall Prelates (I say) make this objection: then besides that hereby they unseemely, unmannerly, and unchristianly, accuse the whole land of ignorance and blindness in religion, supposing neither King, nor Nobles, nor Commons, to be able to discern between



betweene night and day, besides this (I say) so shamefull an abuse, of a whole Christian nation, I would pray them to remember what the most reverend Fathers, Master *Pilkington* and Master *Jewell* have answered, to such cavillous slanders. For what else intended they by many examples, and proofes brought for the Parliaments of England, consisting of the King, the Nobles, and the Commons, to be lawfull Parliaments, and to have right to establish religion, but to justifie against Popish scoffers, that religion might be conceived, and established in Parliament, notwithstanding the absence or exclusion of the Clergie? Besides, since our lawes doe uphold the state and authoritie of the Convocation house, for the examination of all causes of Religion, surely it cannot be truly averred, that it is necessarie for Evangelicall Bishops, to be members of the Parliamenthouse, lest controversie of Religion should bee handled, and discussed without them. For how should any matter of religion bee concluded without them in Parliament, when first of all, the same is to be argued among themselves in convocation? Or let them hardly (if they can) shew any one instance of any change, or alteration, either from religion to superstition, or from superstition to religion, to have beene made in Parliament, unlesse the same freely and at large, have beene first agreed upon in their Synodes and Convocations? And what booteth it, then, to have a double or treble consultation, and consent of Archbishops and Bishops in parliament? Is the holy cause of God, any whit bettered, by their Bishops riding from *Pauls* to *Westminster*? Or can it receive any more strength, by their walking from *Westminster* Church, to *Westminster* palace? Nay it hath beene oftentimes so farr from being promoted by their bishops, as not only in their convocations, but also in the Queenes parliaments, the same thing hath beene shamefully intreated, and taken the foyle, as may witness the bill for the better observation of the Sabbath, 27. *Eliz.* which being passed by both houses of parliament, was notwithstanding gaine said and withstood, by none so much as by certaine Evangelicall bishops, and which (as there all men generally conceived) was only stayed from being made a law, by the Queene, upon their counsell, and perswasion.

Matters of religion not concluded in parliament, before the same bee consulted of in convocation.

## ADMONITION.

Pag. 1.

*It hath beene alwayes dangerous to picke quarrels against lawes settled.*

Stephen  
Gardners  
argument,  
and the ad-  
monitors  
argument in  
effect one.

And is it not *morbis hereditarius* in Prelates to pick quarrels a-  
gainst reformation of errors? For even this did *Stephen Gardener*  
reason against the Lord Protector,

*That in no case (saith Stephen Gardener) is to be attempted, of the  
Lord Protector, which may bring both danger to him, and trouble to  
the whole Realme:*

*But innovation of Religion, from that state wherein K. Henry left  
it, may be and is like to be dangerous, to the Lord Protector, and to  
beard troubles to the whole Realme:*

*Therefore innovation of Religion from the state that K. Henry left it,  
is in no wise to be attempted.*

And even of this stamp, and of this streyne is the argument of pick-  
ing quarrels against laws settled, for thus in effect he argueth:

*That Discipline in no case is to be brought into the Church by the  
King and Parliament, which may be dangerous to lawes settled:*

*But to bring into the Church the Apostolicall discipline, may be dan-  
gerous to lawes settled.*

*Therefore the Apostolicall Discipline, in no case is to be brought in  
to the Church by the King and Parliament.*

But forasmuch as that noble and religious Lord Protector (not-  
withstanding *Stephen Gardners* sophistry) continued constant, and  
courageous in the abolishment of popery and superstition which  
king *Henry* left, and did without dangerous alteration of laws then  
settled, innovate religion: How much more now may the Kings  
Majestic, the Lords and Commons in Parliament, attempt with effect,  
an innovation of that state of Ecclesiasticall government, wherein  
the Queene left the Church? And if it cannot be denied, but it had  
beene far more dangerous for the Realm, and for the Lord Protector,  
not to have settled the holy doctrine, of the everlasting Gospel, by  
new lawes, than to have maintained, and continued antichristiani-  
ty by old lawes: how should it be lesse danger, for the king in these  
dayes to continue corruptions in the Church, by toleration of old  
lawes, than to have the same corruptions reformed by establishment  
of new lawes? But unto whom, or unto what, hath it beene dan-  
gerous, to pick quarrells against lawes settled? Wha, hath it beene  
dangerous to lawes settled? No. For how should lawes settled be in-  
dangered by quarrellers? I sithence quarrellers are evermore in danger  
of lawes settled. Or hath it beene alwayes dangerous for a king, for a  
State,

Lesse dan-  
ger to re-  
forme the  
Church by  
new lawes,  
than to  
continue  
corruption  
by old lawes

State, for a people, or for a Countrey, to pick quarrels against lawes settled? No. For what man is he, or what face carrieth be, that dare upbraid a countrey, a people, a State or a King, minding to unsettle evill lawes, and evill customes, to be quarrellers against lawes settled? Let it then only be dangerous for private persons, upon private male-contentment, to pick quarrels against good lawes, well, and rightly settled; and let it not be hurtfull or dangerous for supreme Kings, powers, and principalities, by publike edicts, to alter evill lawes, evill settled. For to what other end should evill lawes evill settled, be continued, but to continue evill? And what a thing were that? This argument then for lawes settled, being the sophisme of that Fox Stephen Gardiner, is but a quarrellsome, and wrangling argument.

ADMONITION.

*If this government whereof they speake, be (as they say) necessary in all places, then must they have of necessity, in every particular parish, one Pastor, a company of Seniors, and a Deacon, or two, at the least, and all those to be found of the parish, because they must leave their occupations to attend upon the matters of the Church. But there are a number of Parishes in England, not able to finde one tolerable Minister, much lesse to finde such a company.*

Page. 78.

ASSERTION.

This argument seemeth to be drawne from kitchen profit, and is but a bugbagger to scarte covetous men from submitting their necks unto the yoke of that holy discipline, which our Saviour Christ hath prescribed, and which the Admonitor himselfe confesseth, to have bene practised by the Apostles, and primitive Church. And yet because this argument seemeth to lay a very heauey burden on mens shoulders, such as is impossible to be borne, it is an argument worthy to be examined; though in it self, the same be very untrue and absurd. For who did ever fancy that a Pastor, a company of Seniors, and a Deacon or two at the least, should be men of occupations, or that they should be all found of the parish, because they must leave their occupations, to attend upon the matters of the Church? Why? there be many hundreds of parishes in England, wherein there dwelleth not one man of an occupation. And what reason then, or what likely-

That seniors and Deacons should be found at the charge of the Parish is absurd.

hood of reason was there, to father such an absurd necessitie upon the Church? As for the necessitie of having one Pastour in every particular parish, and of his finding by the parish, because it is his duty, to attend upon reading, exhortation, and doctrine, although he bee no man of occupation, this (I say) is agreeable and consonant, to the government of the Church practised by the bishops. And therefore in the finding, and having of one pastour in every parish, they, and wee differ not. But that men of occupations only should be chosen Seniors and Deacons in every parish; or if Seniors and Deacons, were men of occupations in any parish, that they should be all found of the parish, we utterly disclaime as an absurditie of absurdities. And yet wee deny not, but in Cities and great townes wherein for the most part, men of trade, doe inhabit, that Seniors and Deacons must of necessitie be men of occupations. Vnlesse then an occupation must of necessitie hinder men, from being faithfull, religious, and godly men, there is no reason to inforce, that men of occupations in cities and great townes, should not be chosen Seniors and Deacons. And as for Countrey parishes, wherein very few, or no men of occupations doe reside, this objection is altogether idle. In which parishes also we affirm, that men of greatest gravitie, integrity, wisdom, faith and godlinesse, ought to be chosen Seniors, and Deacons. And wee doubt not, but all such men as whom we intend, ought to bee chosen Seniors and Deacons, whether dwelling in Cities and Townes, or in the Countrey, would be as ready, as willing, and as watchfull, prudently to imploy themselves hereafter, in matters of the Church, as now either themselves, or their equals, are busied in matters of their corporations, or common weal, without any manner of contribution, to be yeilded towards their finding.

What kind  
of men  
ought to be  
chosen Seniors  
and  
Deacons.

When the people of Israel were commanded to pay their tythes, first fruites, and other oblations unto the Priests, and Levites, for their attendance and service in the Sanctuary, we do not read in the whole book of God, that they were injoynd to be helpers and contributors to the reliefe and sustentation of the Captaines over thousands, of the Captaines over hundreds, nor of the Elders and governours, placed citie by citie, for the affaires of the King. And therefore since wee have neither precept nor president, that all the officers of the Church should be found at the costs of the Church; and since also as well in Countrey parishes, as in Cities, and townes, (to the praise and glory of God be it spoken) wee have many able, wealthy, and substantiall persons, who have given their names unto Christ, what necessitie is there that any such Seniors and Deacons should bee elected,

as have need to be relieved, and supported by a common purse? And had the Admonitor well and advisedly pondered, that our Churchwardens, and Siders (who carry a semblance of governing Seniors) that our Collectors also for the poore (who juggle out the Deacons) being all of them men of occupations, poore husbandmen, or day labourers, and being not bound of the parish, are notwithstanding ofentimes in the yeare, troubled and turmoyled, from one end of the Diocese unto the other, and that which is more, from attendance upon their day labour, husbandry and occupations, to wait, and to attend, not upon matters of the Church, but upon money matters, pertaining to the officers of the Bishops consistorie, Had he (I say) wisely and sincerely considered these things, he would certainly not once have mentioned this so silly and simple a suggestion. But quite and cleane to cut off at one blow all the skirts of the coate of this silly bul-begger, that the very buttocks of it may be bare, and that the Church may see, there is no such burthenfome Charge, to be laid upon her, as is fained; the grave and godly judgement, and policie of King Edward the sixth his Commissioners, authorized to compile a booke, for the reformation of lawes Ecclesiasticall, according to an act of Parliament, in that behalfe provided, shall rise up for us and plead the truth and equitie of this our sayings. The commissioners names were these: viz. The most reverend Father *Thomas Cranmer*, Archbishop of Canterbury. *Thomas*, Bishop of Ely. *Richard Cox*, the Kings Almoner: *Peter Martyr*, professor of Divinitie. *William May*, *Rowland Taylor*, Doctor of the Law, *Sir John Cheeke*, *John Lucas*, *Richard Godericke*, *M. Hadon*, and others. All which reverend, learned, and religious men, as with one voice and accord speake one thing: so thus and thus they speake: Evening prayer being finished, wherunto all shall be attendants, after sermon in their owne Churches, the chiefe Minister whom they call parochies, and the Deacon, if happily they shall be present, or they being absent, let the Ministers, Vicars and Elders, (so the Archbishop of Canterbury, afterwards a godly Martyr, and Bishops can skil of the name of Deacon and Elders) with the people confer about the money put apart to godly uses, how the same may be best employed; And let the Discipline (so these sage Counsellors were all Disciplinarians) be reserved untill that time. For they whose frowardnes hath beene publike, and tending to the common offence of the Church, let such be recalled to the acknowledgement of their faults, and let them publicly for the same bee censured, that the Church by their wholesom coercion, may be brought in good frame. Afterward let the Minister going a part, with some of the

Churchwardens and Siders men are not found at the charges of the parishes

The judgement of K. Ed. 6. commissioners touching Elders and Deacons.

Titul de divinis officiis c. 10. f. 45.

Elders,

Elders, take counsell, how the others (whose manners are said to be lawd, and whose life is said to be full of milchie) may first according to the commandement of Christ in the Gospell, come together, and be communed with, by sober and discrete men, and with a certaine kinde of brotherly love. By whose admonition if they shall reforme themselves, thanks are diligently to bee given unto God. But if they shall proceed forth in their wickednesse; they are to bee bound with that sharpe paine, which by the Gospell wee know to bee prepared for contumacie. And when the force and vehemency of excommunication shall bee shaken, first let the Bishop be sought unto, who if hee shall consent, and oppose his authoritie, let the forme of excommunication bee dispatched, before the whole Church, that we may bring in as much as may be the ancient Discipline.

Thus much have these most Christian Disciplinarians, and renewers of the ancient Discipline, by Pastours, Elders, and Deacons both written and spoken. And yet have they sounded never a word, to the finding of Elders and Deacons by the Parish, nor by having men of occupations to leave their businesse, to attend upon matters of the Church. For men thus meeting together once only in the week, and that upon the Lords day, and that only within their own parishes, and without payment of any fees, may very wel notwithstanding these attendances, give themselves wholly all the weeke following, to their ordinary vocations. And therefore against his *not able to finde one tolerable Minister, much lesse to finde a Companie, &c.* I conclude thus:

*No Parish in England shall be burdened to find so much as one Senior or Deacon:*

*Therefore much lesse shall every Parish be burdened to find a company of Seniors, &c,*

Where the Admonitor complaineth, that many parishes are not able to finde one tolerable Minister, we would gladly learne, by what brand tolerable Ministers, are knowne from intolerable Ministers, according as the Lords spirituall Judge, or Judge not, of tolerable, and intolerable Ministers. For if all reading Ministers (as needes with them they must bee) or else why doe they tolerate them, bee tolerable Ministers, what a vaine and idle distinction, hath hee coyned touching the scarcitie of maintenance, for tolerable Ministers? Considering all Ministers by intendment of law, bee able to reade: and considering also a very small maintenance, is esteemed to bee a tolerable maintenance, for reading Ministers. For else why doe the great

Tolerable  
and intolerable  
Ministers.



great Bishops, in their great Churches of Commandments, and the rich Doctors in their rich Churches of non residences, make so small allowances to their reading and stipendiarie Curates? And where then is that parish in England, that is not able to maintaine a tolerable Minister?

**ADMONITION.** And to that end, that all such as are called to the Ministry, should be careful to observe the following

*The next Argument, that the people might not choose their Pastors, Elders and Deacons, as is required, is drawne partly from a feare, that the same will be a matter of schisme, discord, and division in many places: partly from affection and want of right judgement of the people, partly from the unrulinesse of the Parishes, and partly from the broyle and trouble which may follow.* Pag. 71.

**ASSERTION.** And to that end, that all such as are called to the Ministry, should be careful to observe the following

Unto this objection if I should answer nothing at all, but only should deny, that any feare, or any other inconvenience at all, pretended in this place, is to be feared to ensue, my simple negation were more to be tolerated, than his simple affirmation, for by the canon Law, *non sufficiens sed ponenti, incumbit onus probandi.* And yet because the Lord hath spoken unto *Iosua*, and in him unto us all, that wee should not feare, nor be discouraged to observe, and to doe all, that is written in the law, for then (saith the Lord) shalt thou make thy way prosperous, and then shalt thou have good successe, therefore in the word of the Lord (I say) that none of all this feare, broyle, trouble, or turmoyle, is to be feared at all. Nay that it is most assuredly, and without all doubt, to be hoped and looked for, that he would so blesse the attempt of putting this order in execution, as that the peoples approbation, and allowance of their Ministers, should be a matter of all peace, quietnesse, unitie, concord, good successe and prosperitie to the whole Church of God in England.

For what an heathenish incredulitie, were it for us to reply upon the erroneous conceit of a timorous, and suspicious fancy, that feare, and I wot not what unrulinesse, and unquietnesse shall follow, when wee (receiving the lawes of peace from the Prince of peace) have his most stable truth, that his peace shall rest upon us, and that all feare and evill successe shall cease and vanish away. No busie headed body therefore, shall be able to leade any man away, to disquiet either

The objection of feare &c. answered.

Doct. in c. si cui de prob. l. 1.

Churchion common wealth) (otherwise than as the Church is assa-  
ges by the malice of Satan and his instruments, hath evermore bene  
disquieted) if onto the holy law of the Gospell touching this point  
were observed and put in use. And if it be feared, that the choice to  
be made by the people of God, and which is allowed unto them by  
the holy laws of God would prove to be a matter of schisme, discord,  
and dissention, how much more reason have we to feare, that the  
fire of schisme, discord, and dissention, being blowen already, should  
not breake out and flame among us, if still one man alone, be suffered  
to thrust upon the people of God, not tolerable Ministers, according  
to Gods heart, but intolerable Ministers, according to mans tradition.  
The Admonitor hath inhiuated unto us often in his Admonition,  
that it is dangerous to innovate. And so I say too, unlesse there be e-  
vident utilitie of innovation. For (saith the Emperour) *in rebus no-  
vis constituendis evidens esse utilitas debet, ut ab eo jure recedatur, quod  
diu aquum visum est.* But is it not as perillous, yea sometimes much  
more perillous not to innovate? For proof whereof, it shall suffice, to  
take witness of our owne times, and of our owne experiences. It  
seemed equal a long time, and for many yeares, that the Sacrifice of  
the Masse, with all the pelf and trumperie thereof, should not once be  
spoken against. But we all know, that the abandoning thereof, hath  
not yet brought any perillous subversion, upon any nation, that pure-  
ly and soundly in place thereof, hath embraced the holy sacrament of  
the Lords Supper. It seemeth also to be equal for many ages past that  
the Bishop of Rome might have supreme and absolute power over all  
persons, states, and causes, not onely in Rome, Italy, Spain, Germany,  
and other forraigne kingdomes, but also in England and Scotland. But  
as yet to the view of all the world, it hath not proved perillous for  
the King and Queene of England and Scotland, to establish new laws,  
for the alteration of that ancient abuse. And why hath it not bene dan-  
gerous so to do? Why? Forsooth because there was evident utility in  
doing of it. But how could an evident utilitie appeare before it was  
done? How? Forsooth because the holy law of God had warranted  
an alteration. For saith having eyes to see the wisdom, the power,  
and the truth of God in his word, discerned a far off that the Instituti-  
on of the Lords Supper, was long before the sacrifice of the masse.  
And therefore our Kings by abandoning poperie, our of the Realme,  
did not institute any new religion, but onely they restored the old.  
Now then if a same holy law of God, do condemn the choice, and  
thrusting of the pastour upon the people by one man alone; and again  
if the same Law, doe impugne the primacie of one pastour over all

Pastours,

b. de con-  
stru. prim.  
l. 2.

Dangerous  
to innovate  
unlesse there  
be evident  
utilitie of  
innovation.

Pastours as well in a Diocesse, or Province, as in the whole West part of Christendome, what danger can it be, not to disfranchise the one, without any manner of danger, we have abolished the other? or what perill can it be, not to countenance the former, without any perill we have discountenanced the latter? Especially seeing in this place of the admonition we have a plaine confession, that the common manner of election of Pastors, Elders, and Deacons in the old Churches was made by the people. For if the examples of schisme, discord and contention; did commonly appeare in the old Churches, while that manner of election did continue, then by his owne mouth that manner of election was common, and did continue in the old Churches. Besides, this inconvenience (saith he) caused Princes and Bishops so much to intermeddle in this matter. Know whence it necessarily againe followeth, that by the holy Scriptures, and law of God, Princes and Bishops did not entermeddle with that matter at all. For had it been simply lawfull for them, to have dealt in those causes by the word of God, then at well before schisme, discord and dissention, as afterward, yea rather much more before than afterward. For then by their owne right, might Princes and Bishops have prevented all occasion of schisme and contention; and have so preserved the Church, that no tumult, or disorder, should once have beene raised or begun therein. Again if by the law of God, Princes and Bishops had meddled in these matters, and had not intermeddled by humane device, then lawfully by their authoritie alone, might they have chosen Pastors, Elders and Deacons in the old Churches: which thing in this place by necessary inference he denieth. For schisme (saith he) caused them to intermeddle. So as by his confession, they were but intermeddlers, and entercommoners, by reason of schisme, and not commoners, and meddlers by vertue of Gods word. And yet now a dayes our reverend Bishops in this case, are no more entercommoners, with Princes and with the people, they are no more entermeddlers as in old times they were; but they have now so far inroached upon the prerogatives of the prince, and privileges of the people, that neither prince nor people have any commons in the election of Pastors, Elders and Deacons with them at all. Besides if schisme, and contention among the people were the reason, why Bishops first entermeddled in the choice of Pastours, we now having no schisme nor contention about the choice of Pastours, by the people, and so the cause of ceasing, why should not the effect likewise cease? But this effect, is therefore still to bee continued, because otherwise the cause would a new sprout out, and spring up againe. Nay rather inasmuch, as for these many yeares, we

Common manner of elections in the old churches was by the people.

Bishops intermeddle not with election of Pastors by the holy Scriptures.

Bishops inroach upon the right of prince and people.

have had schism, discord and dissention; because the bishops wholly and altogether have meddled in the choise of pastours, and have thrust upon the people, whatsoever pastours please not the people, but pleased themselves, and have not suffered the people to meddle, no not so much as once to intermeddle in these matters; in as much (I say) as these things be so: it seemeth most expedient, requisite, and necessary, for the appeasing, and pacifying of this discord, and the taking away of this schism, to have the manner of election, which was in the old Churches, restored to the people; and this wherein the bishops have intermeddled, without authoritie from the word, to be abolished: that so againe the cause of schism and strife, which is now among us ceasing, the effect might likewise cease.

After I had ended this tract, in this manner, touching this point, there came into mine hands a booke intituled, *The perpetuall government of Christs Church*, written by Thomas Bilson, Warden of Winchester Colledge: in the fifteenth chapter of which booke is handled this question, *viz.* to whom the election of Bishops and Presbyters doth rightly belong, and whether by Gods law the people must elect their pastours or no. In which chapter also the matter of schism, strife and contention is handled. The finall scope and conclusion whereof, is as the proposition importeth, twofold: First, concerning Bishops, then concerning Pastours. *The quarrell taken against Bishops doth not so much touch (saith hee) the office and functions of Bishops, as it doth the Princes prerogative. When you rather thinke the Prince may not name her Bishops, without the consent and election of the people, you impugn us, but directly call the Princes fact, and her lawes in question.* As touching this point of the proposition, because the people by any law, or custome, never challenged any right, or interest, in the choise of the Kings bishops, wee have nothing to meddle or to make about the cheise, of any of the Kings Bishops. Nay we confesse, as his highnesse progenitors Kings of England have beene the Sovereigne Donours, Founders, Lords and Avowes of all the Bishopricks in England without aid of the people; that so likewise it is a right, and interest invested into his Imperiall crowne, that he only, his heires and successors, without consent of the people, ought to have the free nomination, appointment, collation, investiture, confirmation of all the Bishops from time to time, to be planted in any of those Bishoprickes; yea, and wee say further, that the King alone, hath not power onely to nominate, collate and confirm, but also to translate, yea and if it please him to depose all his Kingly Bishops without any consent of his people at all. For (say we)

The King  
only hath  
power with-  
out the peo-  
ple to no-  
minate his  
Kingly Bb.

*quis est destruere, cuius est construere, cuius est tollere, cuius est condere:* Neither will we dislike, but rather content our selves; that our late Queens Bishops (if they shall finde favour in the Kings eyes) should be also the Kings Bishops, conditionally they submit themselves to the lawes, and prerogatives of the Kings Crowne, content themselves with the only name of Kingly and Princely Bishops, and not challenge any more unto themselves the sole titles of *Godly* and *Christian Bishops*, as though without injurie to the law of God, and Gospel of our Saviour Christ, they could not bee dispossessed of their Lordly Bishopricks. And therefore our most humble prayer to the King is; that his Majestie would bee pleased, that such his Kingly Bishops may not henceforth overcrow, and juttle our Gods Bishops: nor have any primacie over Gods Bishops. And withall, that the King himselfe would vouchsafe, to hearken to the doctrine of such as are indeed Gods Bishops, rather than to the Counsell of those who lately were the Queenes bishops.

As touching the second part, *viz.* whether the people by Gods law, must elect their Pastours, or no; Master *Bilson* by reasons, and proofes brought for the first use of it, rather confirmeth than impugneth the same. For (saith hee) *Well may the peoples interest stand upon the grounds of reason and nature, and bee derived from the rules of Christiane equitie and societie: That each Church and people stand free by Gods law, to admit, maintaine, or obey no man, as their Pastor without their liking, unlesse by law, custome, or consent, they have restrained themselves: Then the people had as much right to choose their Pastor, as the Clergie that had more skill to judge: that the Apostles left elections indifferent to the people and Clergie at Jerusalem, That the Apostles in the Acts, when they willed the Church at Jerusalem to choose the seven, did not make any remembrance or distinction of the severentie Disciples from the rest: And lastly, against the cursing, and fighting of the late Bishops of Rome, till excluding both Prince and people, from yeelding his consent, or making their request: they had reduced the election wholly to the clergie, hee relieveth them by their leave, it was not so from the beginning. From all which sayings of Master *Bilson* I conclude thus:*

M. Bilson confirmeth the peoples election of their pastor P. 339.

360.

359.

339.

*Whatsoever is right, lawfull, and free by the law of God: whatsoever standeth upon the grounds of reason and nature: whatsoever is derived from christian equitie and societie: whatsoever is from the beginning, and was left by the Apostles to the church at Jerusalem, the same ought still to remaine, and must be kept inviolable in the church.*

Rus

*But the peoples interest to choose their Pastor, is right; is lawfull; is free by the Law of God; it standeth upon the grounds of reason and nature; is derived from Christian equitie and justice, is from the beginning, and was left by the Apostles to the Church at Ierusalem: Therefore the peoples interest to choose their Pastour ought still to remaine, and must be kept inviolable in the Church.*

The whole proposition and every part thereof, together with the assumpt, and every part thereof, is drawne from M. *Bilsons* owne confession. Only to the proposition hee hath annexed certaine conditions or exceptions, *viz.* Vnlesse by law, custome, or consent, the people have restrained themselves, or transferred or altered their right, or else by their default or abuse, the canons, counsels, superiour powers, princely, or publike lawes, have abridged, altered, or abrogated the same. Now then it remaineth to know, whether any consent, default, abuse, custome, canons, counsels, superiour powers, publike or princely edicts, may be a good and sure warrant, to abridge, transerre or abrogate, the peoples interest, from having to do, in the choice of their Pastours.

Our Saviour Christ, when he came in the flesh, he came to reforme the abuse crept in of the Law, and to improve the corruptions of doctrine taught by the Scribes, Pharisees, and Doctors of the Law, but hee tooke not away any least tittle of the Law, ne abolish any jot of true and sound doctrine in the Church. The Gospell teacheth us to order our judgements aright, to bridle the unrulinesse of our affections and to moderate our inordinate appetites. But yet, doth not the same command us, to empty our soules of all judgement, to bury our affections in our bellies, and to become as dead as stones, without all sense, or appetite. Inlike sort we grant, that custome, consent, Canons, Counsels, Superiour powers, publike, and princely lawes, may reforme, reprove, restraints, direct, moderate, and bridle the disordered unrulinesse and contentious brawlings of the people, in and about their elections; yea and we grant further, that they may alter, abridge, or enlarge the forme and manner of elections. All this we grant: but that Christian Kings or any superiour powers, may take this right in to their owne hands (as hee saith) from the people; or that the people by any law, custome, consent, canon, or councill, may transerre or abolish their right, freedom, and interest given and deduced unto them, by these rules and by these grounds, I doe not yet perceiue any good ground or reason for the same. For in so doing, how should the holy wisdom and providence of God, who hath imprinted in

Canons and  
Counsels,  
&c. may  
bridle dis-  
ordered e-  
lections, but  
not disan-  
nule electi-  
ons of the  
people alto-  
gether.



our nature, these rules and these grounds, this equitie, and this freedome, be so highly regarded, and so highly revered, as it ought to be. For hath he made us freemen, and can we without contempt of this grace become bondmen? And albeit in some cases, that may be well said, *quod volenti non fit injuria*, and that *quilibet potest recedere a suo iure*; yet the cases must be such, as a mans willingnesse, and readinesse to forgoe his right, be not tyed to him with so strong a band, as is the band of the grounds of reason and nature, of the rules of Christian equitie, and of the freedome of the law of God. It is free, I grant, for a man to eate or not to eate, to drinke or not to drinke, but for a man not to eate at all, or not to drinke at all, and so with hunger and thirst to sterve himselfe is not free: and in this case *volenti fit injuria*. Every man that hath a wife, that hath sonnes and daughters, that hath men-servants, and maid servants; as by the very instinct of nature, and by the equitie of the Law of Christ he hath freedome to provide for them, so must he carefully use this his freedome. And therefore hee may not wholly and altogether put from himselfe, and expose at hap hazard, the provision, education, instruction, dieting, apparelling, and lodging of his wife, his sonnes, his daughters and his servants unto strangers: neither may husbands, fathers, nor masters give their consent, to the making of any law, or the bringing in of any custome, whereby their freedoms should be restrained, aduised, or made void in this behalfe. For by thus violating the rules and grounds, and by thus treading, as it were, under foot the equitie of Christ, and the freedome they have by the law of God: should they not most profanely, and impiously despise God, and, as it were, overturne the whole order he hath set in nature? And if the people may not cast off these rules and these grounds, this equitie, and this freedome in things appertaining to the frail, bodily, transitorie, and earthly life; how much lesse may they cast them off, or set little by them, in things appertaining to the salvation of their soules, and to a durable, spirituall, everlasting and heavenly life?

But the peoples right to choose their Bishops, did never depend upon the expresse commandement of God: neither can the people challenge by Gods law, the right to choose their Bishops: I meane (saith he) no such thing is expresse, and contained in the Scriptures. What then? if it doe depend, or bee contained under the generall grounds and rules of reason, nature, christian equitie, christian societie principles of humane fellowships, the law of God, the practice of the Apostles, and that which was from the beginning: Is it not sufficient? Though it be not expresse in these termes, *viz.* That the

Objection, that the peoples right did never depend upon the expresse commandement of God,

people must choofe, or that the people have right to choofe their bishops? it is not expreffed and contained in the Scriptures, that every man must choofe his owne wife; or that every woman must choofe her owne husband. And yet by the doctrine expreffed, or contained in the Scriptures, is it true that no man hath right either to choofe an other mans wife, or to choofe an other womans husband. And that every man hath right to choofe his owne wife, and everie woman right to choofe her owne husband. Again, it is not expreffed and contained in the Scriptures, that infants must bee baptized: neither is it expreffed and contained in the Scriptures, that the bishop of *Lichfield* must have but one wife. Yet because it is contained in the Scriptures, that God in the beginning brought but one woman unto one man, and gave to one woman but one husband, I assure my selfe it will not be denyed; but that the bishop must and doth content himselfe with one wife, and that every Christian ought to bring their children to be baptized. Besides if Master *Bilson* distinguisheth bishops in England from pastours in England, and Archbishops in England, and Pastors in England, two severall orders and degrees of Ministers in the Church of England, then I grant that it is neither expreffed nor contained in the Scriptures that the people must choofe their bishops in England. And why? but because the Scriptures (having put no difference betweene bishops and pastours) know no such bishops as we have in England. And therefore bishops in England, being bishops only by the Kings grace, and not by divine institution and ordination, as pastours in England be, hence is it, that the kings of England, by their prerogative Royall, and not the people, by the rule of Scriptures, have chosen their bishops in England. And for this cause also was it, that *K. Hen. 8.* with advice of the Parliament, did resume the nomination, appointment, investiture, and confirmation, of his Kingly bishops from the pope. As for the nomination of pastours, having cure of soules in parishes (otherwise than all patrons by right of patronage, doe give presentments) their choise, institution, translation, or deprivation, the Kings of England by their regall power never yet hetherto tooke the same upon them. And if the Kings of England by any fact, or by any law, did never take away the right, interest, and freedome from the people, in choosing their pastours; what right, other, than by usurpation, can the bishops have; to impose, or thrust upon the people pastours without their liking? But by custome and consent the people have restrained themselves. Hereunto (if it were not already sufficiently answered, that the people could not lawfully restrain themselves) yet Master *Bil-*

Bishops in England are only Bb. by the Kings grace and not by divine institution.

Pastours in parochiall Churches were never placed by the King, as Bb. are in their Bishopricks.

son himselfe answereth, That the late bishops of *Rome* never left cursing and fighting, till they had excluded both prince and people, and reduced the election wholly to the Clergie. By cursing, and fighting then have the people beene overruled, and excluded, and not by custome or consent, have they restrained themselves. Yea and by vertue of this cursed sight only, doe the Bishops of England at this day, exclude both Prince and people, from meddling in the choise of pastours. For by authoritie of the canon law, made by those late cursing and fighting Bishops of Rome, the bishops of England have the sole ordination, and placing of pastours over the people. And from hence also it is plaine, that the peoples right, was not by their default or abuse, relinquished and forfeited. For then the late Bishops of Rome needed not to have cursed, and fought for it. And now whether it be not meet, that the Lord Bishops professing themselves to be Christian bishops, should still retaine in their hands, and not restore unto Christian people, the possession of their Christian equitie, and freedome, extorted from them, by the cursings and fightings of antichristian Bishops, I leave it to the consideration of the reverend bishops themselves.

Touching the mischiefs and inconveniences of schismes, troubles, strifes, and contentions so often inculcated, and so much urged, and excepted against the election of the people, there is no man able (as I thinke) to produce any one pregnant prooffe, out of any ancient, or late historie, that any king or Sovereigne power, hath interposed any supreme authoritie, to appease any discord or dissention, ensuing or raised upon the bare choise, made of any meere parochiall pastour, by any faithfull and christian people. The schismes, strifes, and factions, that were raised in the old churches, sprang out, and flowed onely from the heads, and fountaines of those schismes, strifes and factions: and namely from proud, ambitious, and hereticall bishops, and great clergie masters. For they being infected, and poisoned with the contagion of schisme, and heresie, and having sowed the mindes of their Disciples, with the leaven of their hereticall doctrines, no marvaile if the people became followers of the evill manners of their teachers, and no marvaile if they verified the proverbe, Like master like man, like Priest like people. *Eusebius* Bishop of *Antioch*, being a Sabellian heretike, was deposed by the Councell of *Antioch*, after whose deposition, a fierie flame of sedition was kindled in *Antioch*: because one sort of the common people sought to translate *Eusebius Pamphilus* from *Cæsarea* to *Antioch*; some other would bring againe *Eusebius*, *Eusebius* bishop of *Nicomedia* and *Theognis* bishop of

The people  
lost their  
consent by  
cursing and  
fighting of  
the Popes.

Schismes  
and conten-  
tions spring  
from schi-  
maticall  
and proud  
clergie ma-  
sters.

Socr. l. c. 18

Socr. l. 1. c. 3

Socr. l. 1. c. 4

Socr. l. 1. c. 6

Socr. l. 1. c. 9

A request  
to the re-  
verend bi-  
shops.

Nice, being both *Arians*, with their confederates, raised skirmishes and tumults against *Athanasius*, after the death of *Alexander* Bishop of *Constantinople* about the election of a bishop, there was greater stirre than ever before time and the Church was more grievously troubled: The people were divided into two parts, the one eagerly set with the heresie of *Arius*, cleave to *Macedonius*, the other cleaved very constantly to the decrees of the *Nicene* Council, and chose *Paulus* to be their Bishop. The cause of division among the Citizens of *Emisa*, about the election of *Eusebius Emisenus*, was, for that he was charged with the studie of the *Mathematicks*, and accused of the heresie of *Sabellius*. After the death of *Eusebius*, when the people of *Constantinople*, had brought againe *Paulus*, to be their bishop, the *Arians* chose *Macedonius*. The authors and chiefe doers in that stirre, were certaine *Arian* bishops, who before aided *Eusebius*, that turned up side downe the whole state of the Church. These and sundry such like sturres, discords, factions, and dissensions, are found to have beene raised, and pursued by schismaticall, and hereticall bishops, their favourites and followers in the old Churches; but that these or the like mischieves, and inconveniences, can be proved to have fallen out, by the election of Parochiall pastors in the old Churches, we deny. And why then should not the interest, and freedome of faithfull and Christian people, wrested from them by cursings and fightings, of faithlesse, and antichristian Popes, be restored to them againe? And the cause ceasing, why should not the effect likewise cease? And therefore we humbly intreat the Lords bishops, that against the grounds of reason and nature; against Christian civilitie and societie; against the right and freedome of the law of God; against the principles of humane fellowships; against that which was in the beginning; and against that which the Apostles left in the Churches, by colour of lawes brought into the Church, by the cursings and fightings of the late Roman Bishops, they would not henceforth barre and exclude the Kings Christian and faithfull people, from giving their consents unto their pastors. Yea and we further beseech their Lordships, that as scholars unto the Apostles, and as servants unto the old way of reason, of nature, of the law of God, of the equitie of Christ, and of humane societie, they would hereafter embrace that way, which was from the beginning, which is the old way, and the best way, and not any longer persist, in a cursed and quarrelling way, which is the new way, and the worst way. But if the Lords spirituall of their own accord shall not readily vouchsafe to yeeld unto us this our right at one introwie: then for my part,

I will

I will briefly shew mine opinion, what were expedient, for the Lords and commons in open parliament dutifully to pray, and to supplicate at the Kings Majesties hand. Namely,

At the humble petitions, and supplications, of all his Lords temporall, and commons in Parliament assembled, his majestie would bee well pleased, to give his Royall assent to an act, to be intituled, An act, for the restitution of the ancient right, and freedome which the people of God in the old Churches had, and which the people of England ought to have, in, to, or about the election of their Pastours, and abolishing all papal power repugnant to the same. For if as it is plainly confessed) the people of all Churches, have right, and freedome by the law of God, by the equitie of Christ, by the grounds of reason and nature, by the principles of humane fellowships, and by that which was from the beginning, to elect their pastours: and if also the same right, and freedome being left to the old Churches, and especially to the Church at *Jerusalem* by the Apostles; have beene taken away by the cursings, and fightings of the late Bishops of Rome, then cannot the people without violation of those lawes, rules, and grounds, by any Episcopall power, be any more excluded from their said right, and freedome: than could, or might the ancient jurisdiction of the Crowne of England, have beene still usurped by the pope from the Kings of England.

A supplication to the king by the Lords and commons for the restitution of their right in the choice of their pastours.

#### ADMONITION.

But alas the common people of England, thorough affection and want of right judgements, are more easily wrought by ambitious persons, to give their consent to unworthy men, as may appeare in all those offices of gaine or dignitie, that at this day remaine in the choise of the multitude.

#### ASSERTION.

The Admonitor in one place of his admonition, telleth us, that he must not put all that he thinketh in writing, and yet he writeth in this place that thing, which might far better have been utterly unthought than once written: for could he thinke, to win the common people of England, to a continuall good liking, of high and stately prelacie, by upbraiding and charging them to their faces, in a book dedicated unto them, with affection, and wanting of right judgement?



ment? Was this the way to procure grace, favour, and benevolence at their hands? And albeit this slander deserved rather to have been censured by the Commons in Parliament, than by confutation to have been answered, yet for the better clearing of the right judgement, of the common people, giving their consents, to most worthy men, in all offices of gaine, or dignitie, remaining in their hands, I thinke it necessarie to shew the indignitie of this contumelie.

There be (I confesse) in *London, Torke, Lincoln, Brisfow, Excester, Norwich, Coventry*, and other principall Cities, and townes corporate, Majors, Sheriffes, Stewards, Recorders, Bailiffes, Chamberlains, Bridge-masters, Clerkes, Swordbearers, Knights, Burgesles, and such like offices, some of dignitie, some of gaine, but that the officers of these, or any other places, whether of dignitie, or gaine, be chosen by the multitude of those places, is utterly untrue: for onely according to their ancient customes, priviledges, and Charters, by the chief Citizens, Townsmen, and Borough-masters, are those officers chosen. The number also of which Electors in all places is not alike. In *London* the Aldermen, choose the Lord Major,

In other Cities and Townes, sometimes eight and forty, sometimes fourteene, sometimes twelve, sometimes only such as have borne office, as Majors, Sheriffes, and Bailiffs in the same places, nominate and elect their new Major, Sheriffs, and Bailiffes. But that the Aldermen, principall Towns-men, Borough-masters, and men having borne chief offices in those cities, towns, and boroughs, have easily been wrought by ambitious persons, to give their consents unto unworthy men, though it have pleased the L. Bb. (with scene and allowed) to have spread and published this saying, yet that the same saying, is wholly unworthy, of any credit to bee given unto it, or to bee regarded of any wise and indifferent man, let the sober and peaceable elections made of the worthies of the land hereafter mentioned, be witnesses. And to leave to speake of the election of the Lord Major of the Citie of *London*, Sheriffs, Aldermen, Wardens of companies, Chamberlains, bridge-masters, and other annuall officers, of honour and dignitie, let us consider whether the Citizens of *London* have beene wrought by ambitious persons to choose *M. Wilbraham, M. Ouslie, M. Bromley*, to be their Recorders, all three afterward the Queenes solicitors, and *M. Bromly* Lord Chancellor of England; and let us consider whether the same Citizens, as men of affection, and want of right judgement, did elect to be Recorders of the same Citie, *M. Serjeant Fleetwood, Master Serjeant Flemming; Master Serjeant Dine*, and how

The officers  
in Cities  
and townes  
corporate  
chosen with  
our conten-  
tion and  
ambitious  
working of  
unworthy  
men.

Ma-



*Sir Crooke*, a man wise, learned and religious, and a Counsellor and Justice within the principallities of *Wales*. The Recorder of the towne of *Bedford*, is the right honourable, the Lord *S. Johns of Blesoe*. The Recorder of *Bristol*, was a long time Master *Poppam*, now Lord chief Justice of *England*. The Recorder of *Northampton*, before he came to be Judge in the Kings bench, was Master Sergeant *Treberton*, a favourer of the truth, and an upright Justice: The Recorder of *Warwick* was Master Sergeant *Puckering*, afterward Lord keeper of the great seale. And of the same towne the Recorder now is, a worthy Knight, descended from a noble house, *Sir Foulke Greville*. The Recorder of *Gloucester*, is *Sir John Harrington* Knight, a man zealous for the true feare of God: The Recorder of *Chichester*, was M. Sergeant *Lewken*, now chief Justice in the principallities of *Wales*. The Recorder of *Norwich* was Master *Cooke*, the Kings Attorney generall. And who soever shall enquire, after the names, and after the manner of election of all the Recorders, in all other Cities and Boroughs of the land, I doubt not but he shall finde them all, to have been farre from any least shew, of ambitious working, the Citizens, and townsmen to nominate, and elect them. Moreover, as these noble Persons, these sage, grave, learned, and christian Gentlemen, quietly, and in all peaceable maner, with upright, and good affection and judgement, and without ambition, have beene chosen by the Citizens, Townsmen, and Boroughmasters, to the office of Recorderships. So likewise many and sundry honourable Counsellors, have beene, and as occasion is ministred, are daily elected by Citizens, and Townsmen to be their high Stewards, *Sir Francis Knolles*, an honourable counsellor, and one, whose faith was famous among the Churches as well abroad, as at home, by the election of the citizens of *Oxford*, remained untill he died, high Steward of the Citie of *Oxford*. The right honourable *Sir Francis Walsingham*, by the common counsell of *Spiswich*, was made high Steward of the same towne after whose deceale, the same common counsell, by their election, surrogated into the same place, the right honourable the L. *Hunsdon*, late L. Chamberlain. The right honourable *S. Christopher Haston*, L. Chancellor of England, by the townsmen of *Cambridge*, was chosen to be high steward for the towne of *Cambridge*. The right Hon. the old Fox *Arnould*, and after him the right Hon. of *Lincoln*, and after his death, the right honourable, the L. high Admirall of England, now E. of *Notingham*, by the boroughmasters of the towne of *Gildford*, was elected to be high steward of the towne of *Gildford*. Of all which honourable persons, and of all other their Peeres, chosen in other places of the Kingdome, by the

Honorable  
Counsellors  
chosen high  
Stewards,  
without  
ambitious  
working.

same means, to the like offices there is great reason, and just cause for the reverend Bishops to carry a more reverend estimation towards them, than to burden them as ambitious persons, to have sought their places, at the hands of men affected, and wanting right judgement. As for any other offices of credit, dignitie, charge, and government in the common weal, now remaining in the choise of the commons: it may easily be proved, that the common people in sundry places have bent, and opposed themselves, against ambitious persons, who by sinister and indirect means, have hunted for preferment at their hands.

And what if it cannot be gain-said, but that some publike officers chosen by publike applause of the people, have corruptly behaved themselves, in their charges, and have not so equally, and indifferently distributed justice to all degrees as it became them: yet this their misdeemeanor can no more justly be laid as a fault, nor any more disgrace, or discountenance the ancient and commendable forme, and manner of election, than the hypocrisie, or counterfeited zeal, of an evill man ordained by the bishop to be a Minister, can be imputed unto his letters of orders or manner of ordination. Besides if none be able to prove, that the choise of the Knights of our Shires, Coroners of the Counties, Verderers of the kings forests, resting in the free voices, and consents of the freeholders; that the nomination of the high Constables being in the disposition of the Justices of peace, at their quarter sessions; that the choise of our petty-Constables, third Borroughs, Tything-men, Churchwardens, wardens for the highwayes, overseers for the poore, slide men and such like, remaining altogether in the free elections of the suitors to courts, Leets, and lawdayes, and of the inhabitants, and Parishioners of every Village, Hamlet, or Tything, have beene troublesome to the Lieutenants of the Shires, to the Stewards of our Courts, to the Lords of our liberties, nor to the ordinaries of the Diocesses: If (I say) there be not any one man able to bring forth some few persons, for many yeares passed, by whome the Officers and Magistrates of the Queens peace, have beene sued unto, and importuned, for the pacification of any strife, contention, or debate of any busie head, or ambitious person, raised among the people, about the choise of any one of these Officers; then (I say), it is meet and it importeth the Lords Bishop very deeply, that for ever hereafter they be silent, and never any more utter so vile a slander, against so noble a people, as are the people of England: viz, that upon affection and want of right judgement, they will easily be led by ambitious persons, to preferre unworthy persons, unto all Offices

Knights of  
the shires &  
other officers  
chosen  
by the people  
without  
trouble to  
the state.

of gaine or dignitie. Or that this Nation of England, upon light causes, is more enclined to broyle, and trouble than any other.

And to speake the truth (as daily experience testeth is) what feare of trouble is there likely any way to ensue by reason of dissenti- on, and ambition among the people in the choise of an ecclesiasticall Officer, when most of the people shall rather shun and eschew, than long or desire to beare any ecclesiasticall office? The commod people among whom I dwell use oftentimes many delays, not they procure what favour and friendship they can, not to be appointed, to any the inferiour Offices before specified: And why doe they so, but because those offices be full of bodily care and trouble? And is there then any Christian, knowing, how the whole soule mind, and spirit of a man is altogether to be imployed in the discharge of a spirituall function, that will dissentiously and ambitiously seek to be chosen an Elder?

No feare of trouble about the choise of an ecclesiasticall Officer.

The admonitor telleth us, that men by experience know that many parishes upon some private respect, doe send their letters of commendation for very unfit, and unable persons, insinuating thereby what an inconvenience might follow, if Parishes had the whole direction, and order to found out, who were fit and able persons. But as this fancie was never yet by any of sound judgement on our behalfe so much as once thought, much lesse infused upon: so may it please the reverend Bishops to be advertised, that the meanest and simplest parishioner, among a thousand, can quickly retort this reason against their Lo. viz. that no parishes by letters of commendation, can commend unto any bishop, any person, as an able and fit man, unto any particular parish or speciall charge, unlesse the same, or some other bishop, have formerly ordained him, and approved him to bee a fit and able person for every place. And how then were it possible if the choise of having one, to be their pastor were wholly in the hands of a parish, that the same parish could choose any worse men, any more ignorant, and unlearned men, than their Lords have commended unto us. For have they not chosen, sent, and commended such unto us as know not a bee from a battle doore, as uneth know to read English, and as know not the Lords prayer from the articles of faith: Of which sort of Ministers, the Parson of *Haskam* now living a Chaplaine in *Winton* diocesse may be produced for a witnesse *exceptio major*. For thus much is to be proved from the report of a good and religious Knight, dwelling within that diocesse, that upon a time in the presence, and at the instant request of this said Knight, when a Protestant bishop of the same diocesse deceased, had demanded

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Ministers sent unto the people, which know not a bee from a battle doore.

The parson  
of Haskams  
answer to  
the Bishop  
of Winchester.

Fables read  
in the  
Church.

If the  
people had  
choise of  
their pastors  
they would  
provide  
better than  
the bishops  
send them.

Though the  
common  
people bee  
unable to  
discerne of  
pastors, yet  
the Nobles  
are able.

demanded of the new Parson of *Haskam*, which was the first Petition of the Lords prayer: the said Parson, after hee had a pretty space paused and gazed towards heaven: at length made this answer, *viz.* I believe in God the Father Almighty: at which answer the Knight merrily smiling, I told you my Lord, quoth the Knight, what a profound Clerke your Lordship should finde this fellow. Well how unclerkely, and how unprofoundly soever, this Clerke then answered, and albeit at that present, he could not obtaine the institution, which he came for, to that benefice (for the good Bishop hated such grosse ignorance) yet this Clerke afterwards, by the corruption of the time Bishops Chancellour, was instituted into the same benefice, and to this day possesseth it quietly, though he can hardly read English to the understanding of his people. I could have enformed him also of many other such Clerks retiant and beneficed in that Diocesse: and namely of the Vicar of W. who upon an holy day, instead of preaching the word which he could not, or in reading of Homilies which he would not, (to terrifie his Parishioners with the judgements of God; and to move them unto repentance) solemnly read and published a counterfeite fable out of a little Pamphlet, intituld, *Strange newes out of Calabria*; pretended to bee prognosticated by *M. John Doleta*. Of these and of a number of such able and skillfull Clerks and Chaplains; my Lords of the Clergie may be enformed. And therefore on the behooof, and in the defence of the common people of England; I am to reteste and to protest unto their Lordships, that by the mercifullnesse and goodnesse of our God, we are not yet become so ignorant, rude, and barbarous, as that we would admit such manner of Clerkes and Chaplains; to have the cure of our soules, in case, it laid in our power to choose; and refuse our owne Pastours. No, no, our soules, and the soules of our wives, children and families should be more dear, and more precious in our eyes, than that carelesly we would hazzard, all our birthrights, upon the skill and abilitie of such a messe of hiredings, and idoll shepheards. And surely me thinks it standeth greatly with the charitie of our Lord Bishops to conceive the Commons, to have so much naturall understanding, as not to chooseth a cobbler, when they want a carpenter; nor to retaine a loyterer instead of a labourer, nor to hire a sleeper, in stead of a watchman. But (alas) be it, that the poore Commons of England, were thus wretched and thus bewitched; yea be it, that they were thus depopulate and bereaved themselves: should therefore the Nobles and Peeres of the land; bee as prophane as impietie, and as heathenish as they? Are the great men also unworthy, unable, and unfit to discern between night

night and day, betweene light and darknesse? Can they also put no difference betweene good and evill, betweene a blind guide, and him that hath his eye-sight? or have they no better stomach, than to cast up Mithridate, and to digest hemlocke? will they also chuse them Captaines from among Corvisers? and will they call shepheards from among swineheards? or will they take them pastours from among pedlers? or will my Lords of the clergie charge them to bee those ambitious persons, to work the Commons, (for their private respect) to the choise of unworthy men? or will they, being themselves under his Majestie, the worthies of the land) and chiefe guides and leaders of men in peace and in war upon earth, chuse the scumm, the refuse, and the baggage of the land, to guide their owne soules to hell? For to heaven by the labour and industrie of such idoll ministers (as whose lips preserve no knowledge) they can never bee brought. A great part of the common people (saith hee) are backwardly affected towards the truth of Religion: from which backwardnesse he draweth an argument against the allowance of the pastors by the people. But (alas) is there any marvail, that the common people (for the most part) be backwardly affected? For how is it possible, that they should step one foot forward, when either their guides stand still, or goe not at all, or at least run from ward? or can the common people become good schollers in the schoole of Christ, and learne to know the truth of his religion, when their Masters and Tutors (whom my Lords of the Clergie have begotten, provided, and thrust upon them) be unlearned and irreligious dullards. What? Can truth spring from error? or can light arise out of darknesse? Doe men pluck, or pull corne from a dead stalke, or a still eare from a dead root? Can a Vintener draw wine out of an emptie Casque? or doth a Baker poure meale out of a bottomlesse bag? If then the common people be foolish and ignorant, if they doe erre, and bee irreligious, they may justly challenge the Lords spirituall of unkindnesse, and want of love, not because they have sent Embassadors unto them, as the *Gibeonites* sent unto *Iosua*, with old sackes, and old bottels, with old shooes, and old rayment; with provision of bread dried, and moulded: but because they have sent them such ambassadors, as have had no sackes, no bottels, no shooes, no raiment, yea and no manner of bread at all. All which notwithstanding, the Admonitor (by the backwardnesse of the people) laboureth mightily to acquit the Lord Bishops, laying to the peoples charge, that this fault hath not happened for want of teaching by the Ministers, but for want of profiting by the people. The Scripture (saith he) in no place teacheth us, that the

The common people accused to be backwardly affected to religion.

The backwardnesse of the people proceedeth from the backwardnesse of their guides.



Mat. 23. 2, 3

Pag. 140.

Men of excellent gifts  
and men of no gifts, are  
unequally  
matched in  
the ministry of the  
Gospel.

offences and fautes of the Ministers, are alwayes the only cause, why the word of God doth not take place in mens hearts. It is commonly, and almost alwayes imputed to the waywardnesse, unthankfulnesse, and obstinacie of the people that heare it. But (alas) who ever fancied that the faults of the Ministers of God, were the only cause, why the word of God preached by them, did not enter into the hearts of men? Where the Minister sincerely preacheth the word of God, if there the people doe not worthily embrace the same, the people are only in blame and not the Minister, no; though hee may have many faults: for when they teach the truth, the people are bound to doe as they say, and not to doe as they doe, because they say and doe not. But the complaint that hath beene, and is still made is this: namely, that the people generally in most places of the land, and for the most part have no seed at all sowed, for want of husbandmen; that the people cannot be harvested, for lacke of labourers, that the people could bring forth no fruit, because they were not cred and plowed; and that the people could not heare. What? for want of their owne eares? no, but for want of the Priests lips, which should have preserved and taught knowledge, and therefore this general backwardnes and unfruitfulnesse of the people in religion; must still light upon such as have beene the occasion that there have beene so few drivers to haite them on, and to whistle them forward. No? why this Realme of England (as saith the Admonitor) never had so many learned men, nor of so excellent gifts, in delivering the word of God; it is the greatest ornament that ever this Church had; for my part (saith he) surely I doe reverence, and marvaile at the singular gifts of God, that I see in many. And doe my Lords of the clergie marvaile in deed of so great a number of excellent men, and of so singular gifts in them? And should not then also the people marvaile beyond marvaile, that some of the Lords spirituall, for small matters, and of so little importance, should put to silence, many of the chiefeest of many excellent and learned men? Nay may not the people be astonished at the little love of some of the Bishops, when as upon displeasure conceived against many excellent and learned men, their Lordships suffer, the people to starve, and famish for want of food, rather than those learned and excellent men should breake unto them, the bread of life? But bee it granted that many excellent mens mouths bee not yet stopped, or if they have beene stopped, they are now opened againe, what is this to that, that they have no more learned men, or that, they have any hirelings at all? For to what use serveth an hireling, but first to rob, to spoile, and to kill, and afterwards to trust to

his



his heeles to trudge, and to run away? As for that, that many learned and excellent men, in many places of the land doe still feed the people, they may bee said (in respect of the people unfed) to bee an handfull, to an house-full, or as an inch to an ell. Besides how are the people fed in many places by some of these many learned men? is not one of them allotted (by a licence in a box) to breake bread unto twenty or forty thousand people? What? by them selves in one place sitting round and close together? Nay but in a thousand and moe Parishes distant farre and wide asunder, and that at sundry times, one time long after another: and what a strange and new kinde of feeding call you that? Is it not as if a victualler, should provide one meales meate for a company at *London*, and an other meales meat for a company at *Lincolne*, and an other meales meat for a company at *Ex-ceter*, and an other meales meat for a company at *Bristoll*, to feede his guests, untill he had ridden from coast to coast to provide new viand? And yet this is the common manner of Diet, and the common manner of food prepared and set before the soules of the people. For many of these learned Preachers, gallop from place to place, and trot from parish to parish, and give unto the people at one time, bread, half baked, at another time, beer half brewed; sometimes either meat twice sodden, or halfe raw, and many times drinke, both dead, fower, and wallowish. And how then is it possible, that the soules of the people should prosper, wax strong and bee plyable in going forward in the truth of religion, they being so thinly dieted, and entertained with so small cost. But let these gallopers passe, wee will conclude this point: and thus wee say, that the backwardnesse of the people in the truth of religion (how backward soever they bee, and howsoever the same backwardnesse may happen) can bee no good plea in barre to take from the people of God, their right, interest and freedom, from the allowance and approbation of their pastour. As for that vaine and ridiculous gibe, whether all (hand over head) men and boys, women and girls, young and old, &c. should give their consents, to this fond gibe, I answer, that there is no such vanitie of vanities intended. For when we say, that the people of every parish, ought to choose and elect their pastour, wee meane, not that the election should solely bee committed to the multitude, but wee intend onely that the chiefe Fathers, Ancients, and Governours of the parish in the name of the whole should approve the choice made by the holy Ministerie: wherein we follow the example of the ancient people of God, whose affaires were committed to the chiefe Fathers sitting in the gate.

The use of an hiring. The number of excellent Ministers in the ministerie, is small, in comparison of unlearned Ministers.

The manner of dyet set before the people, by such Ministers as wander from place to place.

Answer to the abstract

Pag. 80.

The people  
may know  
a man to be  
a fit Mini-  
ster though  
he bee not  
brought up  
among  
them.

Where the Admonitor hath pretended that it is impossible to be brought to passe, which (as he saith) is most of all pretended for the common manner of election, that the people may know their Minister, and thereby have the better liking of him, unlesse every parish shall have within it selfe, a Schoole or Colledge, where those should be brought up that shall be preferred to the Ministerie amongst them: this (I say) is another vanitie of vanities, and a vexation of spirit without all meane or measure, yea it is an asseveration void of all sense and sobernesse. For is it not possible for a Lord Bishop, to know the equities, condition, and behaviour of a man fit to be retained for his Secretarie or Gentleman-usher, unlesse the same party be brought up, in some Schoole or Colledge within his own house? Or is it impossible for his Lordship to know the education, life, learning, gifts of utterance and aptnesse to teach, of a man, and so to have the better liking of him, to make him a Minister, unlesse within his Parish, there be a School or Colledge, wherein such as are to be preferred, to the Ministry be brought up? If then without having any school or colledge, within his own house, or within his own parish, for the bringing up of such as are received by a L. Bishop either to his private service, or to the publike ministerie; his Lordship may know, and so have the better liking of them, whom he would preferre. How then followeth it to be impossible, that the people should know their Minister, and so have the better liking of him, unlesse every parish had in it self a School or Colledge, where those should be brought up that should be preferred to the Ministry amongst them? What is one tongue, of one man alone able to enquire and learn the manners of many men to be ordained & placed Ministers in many places, and are many tongues of many men not able to enquire and learn the conversation of one man to be placed in one place? or have the eyes and eares of one man, sight quicke enough, and hearing good enough, to heare and to see into the education and life of all the Ministers, within all the parishes of one whole diocese? and are all the eares and eyes of many men, deafe and dimme to heare and to see into the life and education of one Minister, in one parish? If the parish of *Maries* in *Cambridge*, or the parish of *All-hallowes* in *Oxford*, were destitute of an able, and preaching Minister, might not the people of the first know M. Doctor *Overall*, and have the better liking of him; and might not the people of the second, know M. Doctor *Reynolds*, and have the better liking of him to bee their pastour, unlesse *Corpus Christi* Colledge in *Oxford*, stood in *All-hallowes* Parish, or *Kar, Herle* in *Cambridge* stand in *Maries* parish? or did the Deane and Chapter, the Clerkes and people of *Lincolne*, and

and *Winchester*; therefore know *H. C.* and thereby had they the better liking of him to chooseth him first Bishop of *Lincolne* and secondly Bishop of *Winchester*; because he was brought up in some Schoole or Colledge in any of the parishes of *Lincolne* and *Winchester*? I trow himselfe, if hee were now living, would not so affirme: and what then should eale the Gentlemen of the Temple, or the people of the Parish of *Bow* in *London*, that they may not know, and thereby have the better liking of *M. Travers*, and *M. Barber* to be their Ministers, albeit neither of the twaine, were brought up in any Schoole or Colledge, in, or about the Temple, or the Parish of *Bow*? For who knoweth not, that there be meanes enough, and enough to know a man within and without, and to have a good opinion and liking of him, though the same man be not brought up in any Schoole or Colledge, amongst them? Wherefore his argument of (cannot possibly be brought to passe) may passe, and repasse, as the only streame of an humerous passion. Neither may the people in this case doe as the Ordinaries use to doe. For the Ordinaries first ordain Ministers; secondly, they set them to schoole and give them their taskes, that by their Archdeacons they may know, how they profit; and lastly they have the better liking of them because they bee branded with their owne stampe. But the people (I say) may not, ne yet would they, thus ungainely set the cart before the horte. But they would use all good and circumspect care and diligence, first to know them, secondly upon just and equal cause, to like them; and lastly, upon their liking, to allow and approve them. For how should a man allow any thing, before he like it, or how should he like it before he know it? or how should he know it, before he had seene, heard, or enquired after it? And hereupon also his two asseverations next insuing, fall to the ground. For albeit he affirme, that if this manner of election were admitted, the people (nevertheless) should have as little acquaintance with their ministers as now they have: albeit (I say) he thus thought, yet nevertheless his (*ipse opinatus sum*) I am of opinion, is no (*ipse dixit*) unto me. No, I averre and hold the contrary to bee true, and therefore his opinion in this case) to be erroneous. For this cannot be denyed, that there is not any one man, or woman amongst forty, in any one parish amongst forty, that can tell, that ever he, or she, did see, or heare, of the Minister appointed, and sent by the Ordinarie, to be Parson or Vicar of the Parish Church vacant, before such time, as he did heare, or see, the Parish Clerk to trudge with the Church door keys, to let in the Sexton, to ring the bell, for the said Parson, or Vicars induction, and reall possession.

The people would not do as the ordinaries use to do, first chooseth Ministers and then set them to schoole:

Page 80.  
If the people were admitted, to the election of their Minister they should be better acquainted with him, than now they bee.

And if the people of every parish had their consents in the choice and approbation of their ministers, were it possible to have lesse acquaintance with him than this? For we avow that the people ought not to give their consents unto any pastour, before they have seene him, before they have heard him divide the word, before they have procured a good testimonie of his gifts, from those who by the word have interest to approve him; and lastly before they have gotten sufficient notice of his condition, estate, conversation, birth, education, and life. Wherefore these things being carefully and diligently searched into, not by one, but by many, not for a fee, but of dutie, not for reward, but for conscience; not for one day, but for many dayes, I trust it will not still bee holden for an oracle, that the people should have as little acquaintance with their Ministers, as now they have.

No partiall  
suits can  
follow the  
election of  
Ministers  
by the peo-  
ple.

As for the second point, that farre greater occasions of partiall suites should follow this manner of common election, whereof wee speake, than now there is: this is also (I say) not true; nay that farre lesse occasion of partiall suites, should follow than now there is, this (I say) is true. For by this meanes all partiall suites now happening, may either be extinguished, or with lesse charges pursued, than now they be. For there can be no suites, much lesse can there bee any partiall suites, when neither plaintiffe, nor defendant may be found, and where also there can lie no writ, nor any action be commenced. For who be the parties betweene whom these partiall suites should arise? Be there many ministers, who for one place, and at one time, are found meet for the same? And doe they sue and contend one against another, which of them should possesse the place? or should these to many partiall suites, consist betweene the inhabitants of one parish; one part leaning to one side, and an other part cleaving to the other side? Touching the Ministers, we affirme that none may or ought to sue or solicit any mans voice, directly or indirectly, much lesse to labour for a place of Ministerie. And therefore, we desire by an irrevocable law (according to the manner of the *Moder* and *Persons*) to have it enacted, That as well every procurer, and labourer for a voice, as also every suitor and solicitor for a place of Ministry, be adjudged *ipso facto*, incapable for ever of the same place. For the second, touching partiall suites to arise betweene the Parishioners, about the election of their Pastor, these suites for ought I yet conceive wherein I grant I may erre and conceive too little) may easilier be dispatched, than be once begun. Parishioners ordinarily in the Countrey, sue not, ne molest one the other for pleasure, but for profit; they are not so lavish

No occasi-  
on of parti-  
all suites a-  
bout electi-  
on, between  
parishioners

of their purses, nor so careless of their interests, as to jangle in vain, when before hand, they know there is no hope of game. And indeed what advantage, or what pleasure should Ancients divided against Ancients, and chiefe men distracted against chiefe men in a parish, about the election of a Minister, reape by such a division, and distraction? Besides by our daily experience, we have learned, that very rarely, or not at all about elections, made by the people of any Officers, either in the Countrey or in Cities and Townes, any variance or partiall suites have beene stirred, betweene the electors. For though some times perhaps they varie in their judgements one from another, yet rest they more wise and provident, than to impair their owne estate, to advance another mans reputation. And if in former times there have no occasion of partiall suites (touching publike officers in the common weale) fallen out betweene the people when out of a multitude they have chosen one: much lesse can there be any occasion of partiall suites, if only there remaine but one, to bee chosen to bee a Church officer. For if all the ancients agree to choose that one, then is all the suit (about him) ended: and if the greater part disagree, yet this their disagreement can bee no occasion to breed and nourish suit and contention. And why? first because no other cause by the greater part ought to be alledged; to withdraw their consent, but only such a cause as the law should precisely allow, in the same case, to bee a just cause: Secondly, because this just cause before the day of election, ought to be made knowne unto the Magistrate, and by him to be approved; so that if the greater part upon the day of election shall dissent, not having before hand alleaged; and provided a just cause of their dislike, the voices of the lesser part (as being supposed the better part) shall prevaile, confirm, and make good the election. Oh I here is much (said my Lords) spoken of a choice, and election to be made by the Ministers and people, by proofes to bee made before the Magistrate, but here is not any one word spoken, or any mention made of the Patron, or the Bishop, or of the Archdeacon, of presentation, institution, or induction. And what an alteration, and innovation would that be, and what a dangerous attempt were it, to alter lawes settled; and that Patrons should bee curbed, and that Bishops and Archdeacons should not meddle in these ussues any more? Well then to wipe away as much as in me yett, this cavillous reproach, and obloquie from the servants of God, who are challenged to be new fangled, giddie headed, and fanaticall spirits, strange innovators, and deterrers of perillous alterations, to wipe away (I say) this slander. If it may please the King with his Princely wisdome to confirme the forme

No partiall suites can be among parishioners, whoe one only is propounded to bee chosen by them.



The forme  
of Church  
policie now  
in practice  
by the Bi-  
shops, and  
the plat-  
forme of  
Church po-  
licie, desir-  
ed to bee  
planted by  
pastours,  
compared  
together.

forme of policie now in use and practice, touching ordinations, presentations, institutions, and inductions, by Bishops, Patrons, and Archdeacons, with the manner of that platforme of Discipline (concerning the substance of these things) which is propounded. And if the propounders preferre but the commandment of God, before the traditions of men; but the Kings Crowne, before the Bishops Myters, but a feast of fat things, yea of fat things full of marrow, before leane spits and emptie platters; but a feast of wines, yea of wines fined and purified, before sower and untoothsome whey: I hope his Majestic will graciously vouchsafe so to protect the propounders (being his faithfull, loving and obedient subjects) as that hereafter they shall not bee charged with any more so unjust and scandalous imputations.

Inconveni-  
ences of bi-  
shoply or-  
dination  
are these,  
pestering of  
the church  
with  
unlearned  
ministers.  
Valuofull  
gaine for  
letters of  
orders the  
breach of  
many good  
lawes.

The practice and policie then now in use, is after this and this manner. The Bishop oftentimes at his pleasure, (beside the law, may rather against the expresse letter of the Law, and publike Canons of the Church) not only ordaineth Ministers alone, without assistants of such number of Ministers, as is required; but he also ordaineth them, (for the most part) when there is no place of Ministration void. Now the buds which, (to the griefe of many godly men, and to the obloquie of the Professors of the Gospell) have sprung from this manner of ordination have bene these, *viz.* The publike breach of many good lawes; the pestering of the Church with multitude of unlearned Ministers, together with much unlawfull gaine (by immeasurable exaction of money) for letters of orders. For it cannot be denied, but the Bishops Secretary, Gentleman-usher, groom of his chamber, Butler, Pantler, Porter, and other the Bishops menials, (besides his owne and his Registers fees, and his Clerke for expedition) doe usually (all, or most of them) challenge and receive fees, (some more, some lesse) before the poore Minister with his box of orders can bee suffered to passe by the porters lodge: these are the fruites of the Bishops sole ordination. The suites which have grown and daily do grow, by the Patrons presentation to the Bishops have been and are these, Sometime contention and suite in law, betweene the Patron and Bishop, for disallowing the Patrons Clerke, for non-abilite, or as being tenuous. Sometimes, if two Patrons pretend right of patronage, if one of their Clerkes be instituted, and the other rejected (as necessarily it must come to passe, for one wife can have but one husband) then followeth suit at law, betweene the Clerk refused, and the Clerk admitted, wherein also the Bishop is made a partie by a writ of *quare impedit*, sometime suit falleth out, betweene the Clerk presented;

Suits be-  
tweene the  
patron and  
the bishop.

Suits be-  
tweene  
Clerke and  
Clerk.



presented, and the Bishops, when the Clerke calleth the Bishops (by a double quarrell) before the Archbishop, for not granting institution: and sometime also likewise debate is moved, and law attempted, between the Clerke instituted, and the Archdeacon, who (knowing the Church not to be vacant) refuseth to execute the Bishops inductorie mandat. For many times, upon pretence that the Church standeth void (being indeed full) the Patron, upon suggestion granteth a presentation, and the Bishops also institution; which if the Archdeacon refuse to execute, then (besides the discord between the Bishops and the Archdeacon, for contempt of the Bishops mandat) he, who pretendeth title by vacancie, thinking to have right, though a reall incumbent be in possession, bringeth their two titles to be tried in the Ecclesiasticall Court: but before the matter can be finally sentenced by that Court; many foule riots, breaches of the Kings peace, and unlawfull assemblies, upon entries and keeping possessions, doe ensue: as was well enough lately knowne in the case between Rogers, and Baker, for the title to the Parsonage of *Barby*, in the Countie of *Northampton*.

Howbeit, let it be supposed that none of these variances in law fall out between the Bishops and the Patron, between the Bishops and the Clerke, between the Bishop and the Archdeacon, between the Clerke and the Archdeacon, and between Clerke and Clerke: the exaction (notwithstanding) of unlawfull gaine, for fees of letters of institution, and fees usually payable to the Bishop his Officers, as aforesaid; for fees of the Archdeacons induction; his Register; his Clerke, and his Apparrators fees: the unconscionable exaction (I say) of these unreasonable fees, may seeme to be a conscionable motive, to cause better things than these, without danger to be attempted, and innovated. And yet these are not all the bad events that happen, and fall out upon the presentation, institution, and induction now used. But by the interest whereby the Bishop challengeth to be *custos Ecclesiarum*, there happen as bad, if not worse than these. For there is no sooner a Church void, but a post is sent in all haste, with letters of sequestration, to sequester the fruits, to the use of the next incumbent. Which next incumbent, for the great care taken to preserve the fruits to his use (before he can obtain to be put in reall possession) must pay Ten Shillings, or a marke, or more, for those letters of sequestration, which as much more also for letters (so called) of relaxation; besides Two pence, Three pence, or Foure pence a mile, for portage to the Somner. And from hence is the Patrone (as I take it) very much injured.

Suites between the Bishop and the Clerke,

Suites between the Clerke and archdeacon;

Suites between the Bishop and the Archdeacon.

Riots and breaches of the Kings Peace.

Unlawfull fees for letters of institution, &c.

Unlawfull fees for letters of sequestration.

Perjurie by  
the Clerke,  
and robbery  
is by the  
patrone.

Every Vicar  
swareth or  
ought to  
swear to  
be resident.

Patrones  
robberies.

Chopping  
of benefices  
dispensations,  
&c.

For he being ( as it appeareth ) by the Statute of 25. of King Ed. 3. Lord and Avower of the benefice, ought to have the custodie and possession thereof during the vacancie. Besides many times willfull perjuries are committed by the Clerke, and many times sacrilegious robberies are perpetrated by the Patrone. The Clerke ( when he sweareth that neither directly, nor indirectly, any compact, promise, bande or agreement hath been made or passed by him, for him, or in his name to the Patron; ) many times forswearth himselfe. And if the Clerke be presented to a Vicarage, then the Bishop ( if he be faithfull to the law ) sweareth him to be resident upon the same Church: Which oath ( notwithstanding ) is afterwards broken; when as the same Vicar, accepting another benefice ( and retaining withall the former, by purchase of a dispensation ) betaketh himselfe to be resident upon his second Benefice, and so by non-residence from his first Vicarage, committeth perjurie. Touching the Patrones robbery, thus it is, and thus many times hath it fallen out. The Patron, when ( at the hands of two, three, or moe such perjured Clerkes ) he hath ( time out of minde ) possessed, the mansion house, or glebe-land of the Parsonage; finally ( in time ) spoiled the Church both of the house, and glebe-land: the glebe-land being often intermingled with his owne inclosed grounds, he possesseth them as his owne inheritance; and in steed of the Parsonage house, either he buildeth another new, or else hireth some cottage or farne house for the Parson and his successors to inhabite in. These abuses ( we see ) are many, and yet, besides these continuing at this day in the government established, there remaineth others, as foule, and as grosse as any of the rest: which is the too too inordinate, and licentious chopping and changing of Churches from Minister to Minister; for dispensations, commendames, *perinde valet, res*, pluralities, and Non-residencies: wherein not the people to be taught, but their own backs and bellies to be cloathed and fedd, is wholly respected. Now then that this manner of government, wherein the afore specified, & the like discōmodities daily fall out, under colour of not diminishing the Kings Prerogative, of not altering laws settled, of not attempting dangerous innovations, and of the preserving of the right of Patrones, Bishops, and Archdeacons, should still be continued without any mention or Remembrance to be once had, of their discontinuance, especially in the time of Peace, and under a Christian Magistrate, and in a state ( as he saith ) reformed; we humbly leave to the wise, and mature deliberation of our most Christian King, and State in Parliament. And we most hum-

humbly beseech the King and State, that indifferently, freely, and largely, it may be argued, heard and examined; whether it be possible, that the tenth part of these, or any other the like disorders, corruptions, and grievances, can possibly fall out in the Church, by that platforme of Discipline, which is required to be planted. And to the end that the Kings Majestie, and the State, might rightly and perfectly be informed and resolved of those points, whereof we now speake, viz. of the petition, ordination, election, presentation and admittance of every Parochiall Pastour, to any Church, with cure of soules; how the same may stand, and not be disagreeable to divers lawes already settled, and in force; it is requisite that the substance of these things, in this place be intreated of; wherein against the base office, and meane person of the Archdeacon, we oppose the Royall office, and most excellent person of the King: against the immoderate office, and stately person of one Lordly Bishop; wee oppose the meek and temperate carriage of a Senate, or Presbyterie, of many wise, learned, and grave Ministers, together with a Reverend assemblie of the Ancients, and chiefe Fathers of every Church destitute of a Pastor. As for the Patrons right, weare so farre from diminishing any jot of the true right which by laws settled he ought to have, as that he shall quietly possesse his interest, and that with lesse trouble and expence, yea and with greater priviledge than he did before. Thus therefore touching the office and person of the King, the duetie of the Presbyterie and people, the right of the Patron, and the person of the Minister to be ordained, thus and thus we say, and thus and thus (as we think) may our sayings well stand with lawes settled.

By an act *primo Eliz. c. 1.* the King hath full power and authoritie, by Letters Patents under the Great Seale of *England*, when, and as often as need shall require, as he shall thinke meete and convenient, and for such, and so long time as shall please his Highnesse to assigne, name, and authorize, such person, or persons, being naturall borne subjects, as his Majestie shall thinke meet, to exercise, use, occupie, and execute, under his Highnesse, all manner of jurisdictions, priviledges, and preheminences, in any wise touching or concerning any Spirituall, or Ecclesiasticall jurisdiction, within this Realme of *England*. Again, by the booke of ordeyning Bishops, Priests, and Deacons, it is prescribed, that the Bishops, with their Priests, shall lay their hands severally upon the heads of every one that receiveth Orders; that every one to be made a Minister, must be of vertuous conversation, and without crime, sufficiently instr-

Suppliment  
on to the  
King and  
State in  
Parliam.

Petition, or-  
dination,  
&c. of Mi-  
nisters or Pa-  
stors, how  
the same  
may be  
made with-  
out Bishops  
or Archdea-  
cons, not dis-  
agreeable  
to divers  
lawes already  
settled.

The Bb. and  
Priests must  
lay on their  
hands.

The Bishops  
must use six  
Chapleins  
at giving of  
orders.

Every Arch-  
deacon di-  
vided into  
Deanries.

A Minister  
to be ordai-  
ned by the  
Bishops, and  
a company  
of Ministers  
at the Kings  
commande-  
ment.

Vacancie of  
a benefice to  
be intima-  
red to the  
Kings of-  
fice.

sted in the holy Scriptures; a man meet to exercise his ministerie duely; that he must be called, tried and examined; that he must be presented by the Archdeacon, and be made openly, in the face of the Church, with prayerto God, and exhortation to the people. And in a statute made 21. of King Hen. 8. it is affirmed, That a Bishop must have sixe Chaplaines, at giving of orders. Besides, by an ancient and lowable custome, the Parishes, and Parish Churches within every Archdeaconrie, remaine unto this day, distributed into certaine Deanries, the Parson or Vicar of the auncientest Church, commonly called the Mother Church of the Deanrie (unlesse by consent, some other be chosen by the Ministers themselves) hath the first place, and is the chiefe director, and moderator of whatsover things are propounded in their Synodall meeting; which Minister also is called *Archipresbyter* or *Decanus curialis*, according to the appellation of the chief Minister, of the mother, or chief Church of that Diocesse, who is called *Archipresbiter* or *Decanus cathedralis*: so that unto this day these Ministers meeting at the Archdeacons visitations once in a yeere at the least, there remaineth in the in the Church of *England*, a certaine image or shadow of the true, ancient, and Apostolicall conferances, and meetings. Wherefore from these lawes, and from this ancient manner of the meetings of Ministers, and of having one principal and chief Moderator amongst them; according to the Apostolicall practice, and usage of the primitive Church, thus already settled in the Church of *England*, wee humbly leave it to be considered by the Kings Majestie.

First, whether it were not meet and convenient for his Highnes by his letters patentes under the great Seale of England, to assigne, name and authorize, the Bishops and six or moe Ministers within every Deanerie continually resident upon their benefices, and diligently teaching in their charge, to use and execute all manner of jurisdiction, priviledge, and preheminence, concerning any spirituall ordination, election, or institution of Ministers to be placed in the Parochiall Churches, or other places, with cure of soules, within.

Secondly, when any Parish Church, or other place, with cure of soules, shall be voide, whether it were not meet and convenient, that the auncients and chiefe Fathers of that place, within a time to be limited for that purpose, should intimate the same vacancie unto the office of the Kings civill Officer, appointed for that Shire or Diocesse: to the end the same Officer, by authoritie from the King, might command in the Kings name, the Bishop and other Ministers,

sters, to elect, and ordaine, and the people of the same place to approve and allow of some able and godly person, to succcede in the Church.

Thirdly, the Patrone (if the same be a common and lay person, having now libertie to vary his Clerk, if he be found unable) whether it were not meet and convenient (to avoide all manner of varying) that, within the time perfixe, hee should nominate at one time two Clerks, to bee taken out of the Universities, or other Schooles, and Nurseries, of the Prophets, and that the same nomination be made unto the Bishop, and the said fixe Ministers, to the end that both the Clerkes, being tried and examined by them, the abler of the two might be preferred to that charge. And of this manner of presenting two Clerkes by the Patrone, we have a president not much unlike, in the statute for nomination of Suffraganes. By which act, every Archbishop and Bishop, desiring to have a Suffragane, hath libertie to name, and present unto the King two honest and discreet Spirituall Persons, &c. that the King may give to one such of the said two Spirituall Persons, as shall please his Majestie, the title, name, stile and dignitie of a Suffragane.

A Lay patrone, instead of varying his Clerk may present two Clerks at one time.

Fourthly, the Bishops and Presbyters having thus, upon triall and examination found one of the Patrones Clerks, to be a fit and able man, to take upon him the executiō of the Ministry in that Church; whether it were not then meet and convenient, that by them he should forthwith be sent to the same Church, as well to acquaint the people with their judgement and approbation, of his gifts and abilitie to teach, as also that, for a time, he should converse, and abide amongst them, to the end his life, manners, and behaviour, might be seen into, and enquired after, by their carefull endeavours?

A Minister found able for gifts, is to be sent to the parish, that his life may be examined, and to have the consent of the people.

Fifthly (the people within a time to be perfixe, not making and proving before the Magistrate, any just exception against his life, manners and conversations) whether it were not then meete, and convenient, that the Bishop with sixe other Ministers or moe of the same Deaurie, authorized by the King, as aforesaid, under some paine, and within a certaine time, should be bound (in the presence of the Elders and people, and in the same Church, with fasting, prayer, and laying on of hands) to ordaine and dedicate him to the Ministry, and Pastorall charge of that Church.

A man allowed for gifts and Conversation, is to be ordained with prayer, fasting, and laying on of hands. A Minister to be inducted into the Church, by the King.

Lastly, these things being thus finished, whether it were not then meet and convenient that the Bishops with the other Ministers,

sters, and some of the chiefe of the people, should give the partie ordained, a testimoniall under their hands, or under some authentick seale, to certifie the Kings Officer of the execution of his writt; and that the Patron also should present the same person to the Kings officer, humbly praying the same officer, by authoritie to be derived from the King, to cause him by some other writt, to be confirmed, and really inducted, into the possession of the same Church, and into the Mansion-houſe, glebe-land, and other profits Ecclesiasticall to the same appertaining.

To execute  
the premises  
no danger  
some at. Ept.

Oh! but this were a strange kinde of innovation, and a dangerous attempt to alter lawes settled, especially in a settled estate of the Church. Well, well let my Lords of the Clergie sing this song, and pipe this melodie at their pleasure. How be it, forasmuch as this platforme, in some part thereof, hath already been agreed upon by divers Comitees in Parliament; in other some part thereof, by laws already settled, ought to have been practised; and that in other some part thereof is an advancement of the Kings authoritie, which last part also is lively pourtraced out unto us, by presidents from the Archb. & B. themselves, we shall through the grace of God, and favor of the King, be able well enough, quite and cleane to wipe away all the spots of this calumination. And first, touching the intimation, and supplication to be made unto the King, that his Highnes would be pleased to command every Minister to be presented by the Patrone, ordained by the Bishop and Ministers, and elected by the people; and that the King, being certified by them of the execution of his writt, should upon their Testimoniall, by another publike writt, cause the Clerke ordained, to be confirmed, admitted, and inducted to the reall possession of the temporalities of the benefice; This manner (I say) of intimation, petition, testimoniall and admittance, in substance and effect, differeth but little from the forme of the petition, nomination, election, investiture, confirmation, and consecration of the Archbishops, and Bishops of this Realme. For whensoever the Church of *Canterburie, Winton*, or other Bishops Sea be commeth destitute of a Pastor, doth not the Deane and Chapter of the same Sea, intimate unto the King their want of a Bishop? and doth not the same Deane and Chapter, humbly supplicate his Majesties favour and licence to elect another? and doth not the King, upon their supplication, by Letters Patents under his great Seale, favourably grant their petition; willing them, *ut salem eligant in Episcopum & Pastorem, qui Deo devotus, & Ecclesia sua necessarius, nobiscum & regno nostro utilis & fidelis existat?* And with the same

Petition and  
intimation  
to the King, agreeable  
to lawes settled.

25. H. 8. c.

Let



Letters Patents, doth not the King send a letter missive, containing the name and commendation of the person to be elected? After the election finished, doth not the Deane and Chapter intimate the same also unto the King, and humbly againe pray the King, to yeeld his Royall assent to the Lord elected? Whereupon doth not the King againe direct his Letters Patents of warrant to the Archbishop, or some other, whom the King shall appoint, to performe all things which accustomedly are to be done, appertaining to his confirmation, and consecration, according to the lawes and statutes of his Realme of *England*? Lastly, the consecration and confirmation being finished, and the Bishop having done his homage, and sworne fealtie, is not the Kings writt out of the Chancery directed to the Escheator, to restore unto him, the temporalities of the same Bishopricke? Yea and may not the Bishop also, if it please him, procure another writt out of the Chancery, directed to his Tenants, commanding them to atturue, and to take him for their Lord?

Now then, in this platforme, whereof mention hath been made touching the placing of a Parochiall Pastor (any Parochiall Church with cure of soules being void) when it is craved that the people of the same parish, might intimate their want unto the Kings officer, and that the same officer might command the Patron to present, the Ministers to ordaine, and the people, according to the Kings lawes, to assent unto, and approve the Clerk; what other intent or meaning have wee then, that the King hath as ample, and as lawfull a power to command a Minister to be presented, ordained, and elected to be a Pastor in a parochiall Church, as he hath to command a Bishop to be elected, confirmed, and consecrated to an Episcopall see? And are we not then mervellously giddy-headed, new fangled, and strange innovators? Again, when wee desire, that the King at the humble suite of the Ministers, the Patron and the people would be pleased, to confirme and admit the Patrones Clerke, in, and to the temporalities of a Benefice, what other thing is required, but that the possession of no Church should be delivered unto any Minister, without the Kings publike writt. And would not this breed a perillous sturre, garboyle, discord, and contention, when the Archdeacons pretie signet, as Dagon falling downe before the Arke, should give place, bow downe, and doe reverence unto the Kings of *England* and seale at armes?

Oh! but in this platforme, there be other dangerous innovations and alterations, not to be attempted: Yea? And what then be they? The Admonitor himselfe, in his admonition holdeth: Yea Master

The King hath as large a power to command a Minister to be elected and ordained, as a Bishop, to be chosen and consecrated.

The Prophets ought to be tried by the prophets.

Bilson,

*Bilſon*, and all other ſupporters of the Hierarchie defended, That the Clergie ought to judge of the Clergie, and that the Prophets ought to be tryed, examined, & ordained, only by the Prophets, and that the ſpirits of the Prophets are ſubject to the ſpirits of the Prophets. Wherin the cōſiſteth the diſagreemēt & variance between us & them, touching the ordination of a Prophet, by Prophets, or a Miniſter, by Miniſters? certes to my underſtāding, there is no other matter

Corinth.

Whether the  
ſpirits of  
many Pro-  
phets ſub-  
ject to one,  
or of one to  
many.

of diſſonancie in this caſe, but even alonely this: *viz.* That he by theſe words ( the ſpirits of the Prophets are ſubject to the Prophets ) intendeth that the ſpirits of many Prophets, touching their triall, examination, and ordination, are ſubject to the ſpirit of one Prophet, and that therefore one Prophet by his owne ſpirit may trie, examine, and ordaine many Prophets : Whereas on the other ſide, we affirme, that one Prophet, according to this rule of our holy faith, is to ſpeake, and the other Prophets are to judge, and that no one Prophet may trie, examine, or ordaine many Prophets : Becauſe from this place, we gather, that the ſpirits of many Prophets in the ordinary courſe of the miniſterie of the Word, were never ſubjected in this caſe to the ſpirit of one Prophet. But in this platforme there is no mention made of the King, if hee be patrone, neither is there any institution ſpoken of; and then how can any action of *quare impedit*, be brought, to try the right, if two Patrons pretend title to the Patronage : beſides the Patron by this platforme muſt fetch his Clerks only from the Universities, Schooles of learning, and Nurseries of the Miniſterie, whereas now hee hath libertie, to preſent any Clerke whereſoever or howſoever ordained : Againe, ſtrife and contention may ariſe in the Presbyter, between the Biſhops and the Miniſters themſelves, appointed to be examiners, and ordainers, which of the two Clerks nominated by the Patron is moſt worthy to be preferred. If both the Patrons Clerks for non-abilities, or criminoulneſs, be reſuſed, who ſhal then nominate, and to whom ſhall the election devolve? And laſtly, what if the B. & Presbyter ſhall diſallow one for unabilitie, <sup>wh</sup> indeed is notwithstanding, of abilitie to teach? to all theſe difficulties, thus we anſwer.

Touching  
the Kings  
patronage.

If the Kings Majeltie be Patrone, to any benefice with cure of ſoules, becauſe we judge and confeſſe him, to be a King, endowed with a rare and ſingular ſpirit of zeal, for the glory of our God, with an excellent ſpirit of love, for the ſalvation of the ſoules of his ſubjects, & to be the *Nehemiah* of our age, ſent unto us from above, for the building of the walls, & reedifying of the ports of the Houſe of God, which were broken down & devoured: we for our parts doubt

nothing at all, may rather we most certainly perswade our selves, his Highnesse having once bene pleased, to order be all wholesome and commendable Lawes, unto his people, will also vouchsafe, much more to prescribe lawes, yea and to be a Law unto himselfe. And that his Majestie will let this businesse of the Lords house, so neare unto his Kingly and Christian heart, by the planting of able Ministers in all the Churches, of his Highnesse Patronage, and that all other Patrons, by his godly example, will be excited readily to walke in the Kings path, to weare the Kings colours, and to become the Kings chief favourers in this holy worke. And therefore touching the Kings Patronages, *cum Augustus imperatoria legibus effectum videtur*, we commend them wholly to the Kings most Christian care, providence, and fidelitie.

H. de ley & fidei. l. ex imperfecto.

The Bishops institution, and writ of *Quare impedit*, wee grant must cease: but in place of institution, the election and ordination by the Presbyterie succeedeth: and the Clerke nominated by the Patron, elected and ordained by the Presbyterie, shall have *idem jus, ad Ecclesiam, & in Ecclesia*, which in former times, the Clerk presented by the Patron, and instituted by the bishop, was wont to have.

The Bb. institution may cease.]

If any suit in law, happen for the right of Patronage, between two or more Patrons, pretending title to the gift of one benefice, it seemeth that this gift might have far easier, and more speedy way of triall, by some other writ, than by the writ of *quare impedit*; for upon this writ many times by negligence, or unskilfulness of the Attornies it falleth out, that one of the parties is driven sometimes to sit down by great losse, and not to have his title tryed at all, only for want of some ceremoniall form, not observed in the pleadings of the cause: And therefore both Patrons, within the time to be limited by the kings writ, having nominated their Clerks, to the Presbyterie, as hertofore they presented to the B. we leave it to be considered, whether it were not meet, and convenient, that the Presbyterie should wholly defend the election, and ordination, of either their Clerks, untill the right of patronage were finally adjudged before the K. Justice at the common Law: upon which judgement passed, they might then without scruple, or impediment, proceed to the full election, & ordination, of that patrons Clerk, for whom the judgement was given. By which manner of tryall, if the action might bee brought in the name of patron against patron, the Clerkes should not only bee freed from much obloquie, wherunto they are now subject, by prosecution of suits at law, one Clerke against another, but also they should be exempted, from all expence, labour and tumult, with

If suit fall out between two patrons what then may bee done.

which heretofore they have incumbered themselves, to the hindrance of their studies, and decay of their estates, by pursuing the Patrons title, at their owne charge. Neither might the occasion of suit about the right of patronage, be any let or hinderance that the Church in the meane time should be left as a Widow destitute of an husband. For any one of the Clerkes nominated by either of the patrons, might be appointed by the presbyterie, to preach the Word, and publickly to pray, untill the controversie were ended. And out of the fruits also of the same Church, remaining in the custodie of one of the patrons, or sequestred by the king to the use of the next incumbent, he might have such allowance, as were requisite for the time of his continuance in that place. And for the Sacraments, if any were of necessitie to be administred, some other Minister neare adjoyning, might be provided to administer the same, as in many places, it hath been, and is now daily used, in like cases of vacancie.

The curbing of a patron with too hard a bridle answered.

That the Patron should be curbed with too hard a bridle, as being barred to fetch his Clerks from any other place, than from the Vniversities or other Schools and nurceries of learning, is a matter, if it be well weighed, of lesse importance, than the Admonitor would insinuate the same to be. First it is not of necessitie required, that all patrons should at all times fetch all their Clerks, from those places and not from elsewhere. For many times it may happen upon just cause, (for the benefit of the Church) that a Clerk already ordained, and placed in one Church, may be removed from the same, to another. But only the meaning is according to the Lawes and canons already settled, that the greatest part, of the patrons Clerks, must of necessitie be called thence, because they can not elsewhere be had.

Ep: de prebend. c. i. i. l. 6. de prebend. si Episcopos.

Now then whereas the law intendeth every Church to be a wife and to have an husband; to be a bodie, and to have an head; the law as a parent unto the Church hath provided, untill she be widow indeed, that no husband be provided for her. And therefore by sundry as well ancient Decrees, as by Canons of Discipline, made and published by the Bishops 1571. it is decreed and confirmed, That the Bishop shall lay his hands on none, or at any other time, but when it shall chance some place of ministracion is voide in the same Dioceses. As for stipendarie Curats it is expressly against the policie of our Church, that any should be ordained a Minister, to serve only as an hireling. From which Decrees and Canons, already settled (as I said before) it followeth for the most part, that the patrons Clerks to be ordained, of necessitie must be called from the Vniversities; or other

ther places of learning. For if every place of ministrati<sup>o</sup>n, be full, and none must be made a Minister untill some place be void, then albeit some patrons, upon good causes to be allowed by publike discipline, might be permitted to nominate some Clerkes already placed in administrations: Yet in the end, as well the patrons of those Churches, from whence these are to be removed, as other patrons also (many benefices at one time being void) must of necessitie, seek out men, to be ordained, which never were ordained to the ministerie before. And where are these to be sought, if not only at the Vniuersities, or other Schooles and nurseries of learning? For that prophets in the ordinarie time of prophesying, should bee taken from the feet of the Apothecaries, Taylors, Drapers, Milners, Mercers, or from the butry, pantry, kitchen, celler, or stable, of any Bishop, Peere, Knight or Gentleman, and not from the feet of the prophets, is a thing abominable, and odious unto God, and man. Wherein then, doth this platforme, in this point of fetching Ministers, only from the Vniuersities, or other places of learning, differ from the intendment of lawes settled? Or wherein can the patrons receive any detriment by such a practice? Nay they are so far from receiving any prejudice hereby, as indeed both they and their Clerks shall reape great commoditie by it. Wherein I grant some discrepance, to consist betweene the Bb. practice, and this platforme. For the Bb. at one time, allow a Clerk for abilitie, and at another time, disallow the same Clerk for nonabilitie. And him whom they have ordained, and adjudged, to day, worthy of an office, they many times disordaine him to morrow, and refuse him as a person unworthy, to possesse a benefice: Whereas on the contrary part, wee think it very absurd, and unreasonable to barre any man from a benefice, whom the Governours of the Church shall judge worthy to beare an office. So that the patrone by this platforme, shal be sure, if at any time hee nominate a Clerke already ordained, that the same Clerke (unless it were for Crime, or some defect after happening) should never be refused. And if such be the lawes and liberties of the Ordinaries, what alteration of the law, or prejudice to the patron, could it be, if by a new law, the King provided new meanes, to put his old lawe, in due execution?

It upon difference of judgment, any variance should arise, between the Ministers appointed to elect, and ordaine, which of the patrons Clerkes were most worthy, the same diversitie wee assure our selves, can breed no greater inconvenience, nor further danger, than doth now daily fall out, in the election of Schollers, fellowes, and

Prophets in the ordinarie time of prophesying to be taken out of the schooles of prophets.

The difference betweene the platforms and the bishops practice.

Vpon difference of judgment about the abilitie of a Clerk what may bee done.

heads of houses in the Universities, or other Officers in Colleges, Cathedral Churches, and bodies politike or corporate. As those controversies therefore have beene, and are appealed by the good orders and laws of those places, even so might these also. And therefore some good law might be made to this effect, *viz.* If any foure of the seven did agree together, upon any one Clerke nominate by the patron, that the same foure should strike the stroke, and make the election good, against the other three. Neither doe we think it to stand with reason, that the Archpresbyter, or any other Minister among the seven, should necessarily be of the *quorum*. For if any one of the seven, should necessarily be of the *quorum*, then (having, as it were, a negative voice against all the rest) if he should be wayward, and apt to contention, he might then alwayes frustrate the election, either by opposing himselfe to all the rest, or by inclining to the lesser, and worse part, as lately came to passe about the election of a Scholler, among great Doctors. If both the Patrons Clerks, should bee disabled by those unto whom the judgement of their nonabilitie did appertain, we leave it to be considered, whether the right to nominate, elect, and ordain, for that time only, might not hereafter devolve unto the presbyterie, as in like case it hath done heretofore unto the Bishops. And from that Presbyterie, if the same should make default, that the election should be then in lapse unto the king.

A Clerke refused for nonabilitie to whom the nomination may devolve.

A Clerke wronged by a refusal for nonabilitie how he may be relieved.

Lastly, touching the nonabilitie of a Clerke: if the Clerke whom the presbyterie should refuse, come from one of the Universities, then as a Clerke before time refused for nonabilitie, by the Bishops was to be tried by the Archbishop, and by him to be allowed, or disallowed, so in this case we leave it to be considered, whether it were not meet that this Clerke so refused, and complaining himselfe unto the Magistrate, to be wronged, should have his abilitie to be again tried, by that next Synod of Ministers to be congregated within that Deanry. And if upon tryall made, and bringing a testimoniall under some authentike seale, from the Synod, of his abilitie: whether the Presbyterie, upon a good paine within a time to be prefixed, should not be constrained, to ordaine and dedicate the same Clerke, to the Ministerie of the same Church. And as for the refusal of a Clerke by the Presbyterie, upon objection of crime, if the crime be so heinous as for which by the Canons of the Church, hee might not bee promoted, to the Ministerie, then is it to be considered, whether the presbyterie in this case also, as in the former of nonabilitie, might not nominate, elect, and ordaine the Clerke to that place, for that time only, and upon the presbyters default, the election also to be unto the king.

A Clerke refused for crime to whom the nomination may devolve.

And



And thus have we compared, the manner of Church government, now in use, touching these points, with that forme of Discipline, which is desired to bee planted. By which comparison the Kings Highnesse, may very easily discern, the differences betweene them, to be such, as whereby the Kings dignity and prerogative, shall highly be advanced, the Kings poore subjects, both Ministers and people, diverse wayes eased, and unburdened, and the Lawes better observed, to the unspeakeable peace, and tranquillity, both of Church and Common-Weale. The Prophets tryall of the Prophets; the peoples approbation of their Pastours; the Ministers entrance into their Ministry, according to the Apostolicall practice of the Primitive Church, would be a meanes utterly to extinguish, that schisme, that remaineth yet among us; that we have no Christian Ministers; no Christian Sacraments; no Christian Church in *England*. Besides, the Ministers, for Letters of Orders; Letters of Institution; Letters of Inductions; for Licences to serve within the Diocesse; for Licences to serve in such a cure; for Licences to serve two cures in one day; for Licences to preach; for Licences of resignation; for testimonials of subscription; for Letters of sequestration; for Letters of relaxation; for the Chancellours, Registrars, and Sommers dinners; for Archidiaconall annuall, and for Episcopall trienniall procurations, the Ministers (I say) to be nominated, elected, ordayned, approved, confirmed, and admitted, by the Patron, by the Presbytery; by the People, and by the King, should be disburdened, from all fees, for these things, and from all these, and such, and such like grievances. Onely for the Kings writts, and for the travelle and paines of His Highnesse Officers, taken in, and about the execution of the same writts, some reasonable fees, (as it shall please the King,) may be taxed, and set downe. The people also in soules, in bodies, and in their goods could not be much comforted, relieved, and benefited. They should not henceforth to the perill of their soules, have unlearned, unable, and undiscreete Ministers thrust upon them, and set over them: Neither should they bee compelled, upon light occasions, to take many frivolous oaths in vaine. They should not bee summoned, from one end of the Diocesse, unto the other: nor be posted from Court, to Court, and from visitation, to visitation. The Church-Wardens, and Side-men of every Parish, should not upon paine of excommunication, be constrained, once, or twise in the yeare, to pay six or eight pence, for a sheet of threehalfe peny articles. They shall not any longer, out of the common treasury, reserved for the poore, beare the charge of their Parishes for making bills, visitation and di-

The benefis ensuing the plac-form of ordination; &c. required.

verse other expenses. There should be no more suits at Law, between Clerke and Clerke, about the Patrons Title; no more suites of double quarrell, betweene the Clerke and the Bishop; no more debate betweene the Bishop and the Arch-deacon; and lastly there should bee no occasion of any riots, and unlawfull assemblies to bee made upon entries and possessions, by vertue and colour of two presentations, two institutions, and two inductions, into one benefice, at one time. The Patrons as being Lords and avowers of the Churches, might have the custody of the Churches, during their vacancies, and their ancient right, in this behalfe, restored. All swearing of Canonically obedience, unto the Bishops by the Ministers: all swearing, and forswearing of Clerkes, for any symoniackall bands, promises, or agreements, betweene them and their Patrons, and all robberies and spoiling of the Churches, by the Patrons, should determine and cease. Especially if it might please the King and Parliament, to have one clause of a Statute, against abuses, in election of Schollers, and presentation, to benefices enlarged. For although every corrupt cause, and consideration, by reward, gift, profit, or benefit to present, be inhibited by that act; yet notwithstanding by experience in many places we finde, that the Patrons for small rents, and for many yeeres, are in possession, some of the mansion houses, some of the glebe lands, and some of the tythes, of such benefices as since the publishing of that act, have bene bestowed upon Clerkes: which breedeth great suspicion and jealousie in the mindes of men, that the Clerke and Patron at the beginning directly or indirectly, did conspire to frustrate and delude, the intendement of the statute: And therefore wee leave it to bee considered by the Kings Majesty and Parliament. If any Clerke after confirmation and possession to any benefice, hereafter to bee made and given unto him, shall willingly and wittingly, suffer the Patron of the same benefice, or any other person, in his name or to his use, directly or indirectly, mediately or immediately, to use, occupy, or enjoy, the mansion house, glebe land, or other ecclesiasticall commodities, or any part thereof, belonging to the same Benefice: In this case (I say) we leave it to be considered, whether it were not meete and convenient, that every such willing and witting sufferance by the Clerke, and every such willing, and witting possession, use, or occupation, by the Patron, should not bee adjudged, to bee a just cause, to determine the presentation, to have bene first made upon corrupt respect, and consideration. And that therefore the Clerke, *ipso facto*, to lose the benefice, and the Patron, *ipso facto*, to forfeite his

31. Eliz.  
2. 6.

A means to  
restrain pa-  
trons from  
corruption.

his right of Patronage to the King, for the two next turnes following. And these being the principall reasons, and grounds of our desires, wee are humbly to pray the Lords spirituall, either to convince them of indignitie, insufficiency, and incongruitie, or else to joyne with us unto the Kings Majestie, for the restitution of that manner of Government, which they themselves confesse to have bene practised, at the beginning by the Apostles and Primitive Church: but the Admonitor hath yet more reasons unanswered against this platforme.

ADMONITION.

*That every Parish in ENGLAND may have a Learned and discreet Minister, howsoever they dreame of perfection, no man is able in these dayes, to devise how to bring it to passe, and especially when by this change of the Clergie, the great rewards of Learning, shall bee taken away, and men thereby discouraged, to bring up their Children in the study of good Letters.*

ASSERTION.

In some part to justify this opinion, I grant, that no man is able in these dayes, to devise, to bring it to passe, that every Parish should have a Learned and discreet Minister. And why? because in these dayes not any one Bishop hath afforded, to ordaine one Learned and discreet Minister, for five Parishes: secondly, because where some of the Reverend Fathers, have ordained and placed in many Parishes, many Learned and discreet Ministers, some others of the same Fathers, have againe disregarded, and displaced those learned and discreet Ministers, and in their roomes have placed

placed many unlearned and undiscree Ministers. Now then if these dayes wherein so few learned and discree Ministers, and so many unlearned and undiscree Ministers be ordained, and wherein also, so many learned, and discree Ministers are disgraced, and so many undiscree and unlearned Ministers graced: If these dayes (I say) were ended, then albeit no perfection, whereof never any one of us dreamed, could be attained unto, and albeit no one man were able to devise, how to bring it to passe, that every Parish should have a learned Minister: Yet nevertheless, all good and holy meanes being used, to ayme and to shoot after perfection, and all good and holy men laying to their heads, and applying their hearts to further this enterprise, and service unto God, we know that the Lord might call, and make, and fill with the Spirit of God in wisdom, and in understanding, and in knowledge, and in spirituall worke-manship, many *Bezalels*, and many *Aholiabhs*, spirituallly to carve, grave, and imbroyder the Lords spirituall Temple. The perfection therefore after which we long, and the change of the Clergie, whereof we intreate, is but such a perfection, and such a change, as (good meanes for the restitution of impropriations being used) may easily be attained, and well made. For the perfection required by us, to be in a Minister, is none other than such as the holy Law of God, and the Lawes, Canons and Injunctions already settled, doe require; viz. that every Minister, to whom cure of soules is committed, with some competent knowledge, according to the measure of the grace, of the gift of Christ, be able to teach, to exhort, and reprove the people, yea and to convince the gainesayers, if any should arise among them: From whence also springeth the change intended by us: viz. that in the Churches of all Ministers, unable to teach, &c. There might bee a change of Ministers able to teach, &c. Wherefore if the Admonitor meant otherwise then wee intend, and if upon placing a learned and discree Minister in every Parish, he should not intend, the change of the High and Papall state of Prelacy: then either is not his answer pertinent to the question, or else it must necessarily follow, from his intendment, that the high and Papall state of Prelacy, and the placing of a learned and discree Minister in every Parish, are like unto Coleworts planted among Vines, or unto Parsly sowed among Bishoppes. Weed, which will never spring, grow, and prosper together. Because the rising of such a Learned Ministry must bee the fall, ruine, and breake necks of Prelacy. And this followeth inevitable upon his owne reason, drawne from the taking away of the great rewards of learning, by the change of the Clergy.

What perfection of a Minister is required by this platforme,

Prelacy & a learned Ministry cannot stand together.

For

For the great rewards of learning, whereof he speaketh, must of necessitie be the Prelacies, viz. Archbishopricks, Bishopricks, Deanries, Archdeaconries, Prebendaries, Canonries, Chanterships, Commendames, non Residencies, and Pluralities. And then let us observe, whether in effect he hath not reasoned thus: If prelacies (being the great reward of learning) should nor stand, and not be changed, there is no man able to devise, how a learned and discreet Minister may be placed in every parish: but if prelacies (the great rewards of learning) may once be changed and not stand, then were it possible to have it devised, that a learned and discreet Minister, might be placed in every parish. And then hath he not profoundly, and leamedly disputed, when he hath preferred the Damsell before her Dame, and the maid before her Mistresse? When hee hath advanced a great deale of learning in one before a great deale of learning in many, and learning in some places, before learning in all places; lastly, when by continuance and furtherance of the great rewards of learning, he hath greatly hindered and discontinued learnednesse, and greatly furthered and continued unlearnednesse? For if Prelacies were no hinderances, but only furtherances of discreet and learned Ministers; and againe if prelacies were no furtherances, but only hinderances of unlearned and indiscreet Ministers, to be had in every parish, then might the rewards of learning still remaine, that men should not be discouraged, to send their sonnes to the studie of good learning. For generally men be not so much encouraged, to set their sonnes to learning, where a few great rewardes of learning are provided for a few men greatly learned, as where many good rewards of learning, are provided for many good learned men. And to speake as experience teacheth us, and as the truth is, what one father among twenty, will dedicate his sonne, to learning, if men (as the case now standeth under prelacie) not brought up at the feet of *Gamaliel*, but at the feet of some swash-bucker; not taught from any Doctors chaire, but schooled upon some crafts mans stoope, when men who can but reade, and cannot preach, may be Ministers and capable of the fattest benefice; within a whole Countie? In the Common-weale, if there bee many places of honour, profit, and dignitie, for such onely as have valiantly served the King in his wars, or carefully attended upon him in the Court, then will many fathers incite and encourage their sonnes, to prepare and furnish themselves to the warres, and to the Court. But if all mens sons in the Camp, and in the Court bee capable of entertainments alike; if as well a labourers sonne following the Carr, as a no-

Men are more encouraged to learning, where many good rewards than where few great rewards are provided.

ble mans son a waiter in Court, may be the Kings Lord Chamber-  
haine, in time of peace; and if as well a Carpet Knight, as a valiant  
warriour, may be Lord generall in time of warre, would any father  
for many yeares together, costly, and gorgeously brave his sonne at  
Court; or would any father adventurously, and dangerously hazard his  
son in the field? Again, fathers doe not therefore send their sons to  
be students, at the Innes of Court, or to be apprentices in the City of  
*London*, only in regard, that they may bee all great Citizens, and all  
great rich men, and all great Lawyers, and all Judges of the Land.  
It sufficeth all parents, and the purpose and intent of all parents is,  
that their sons being such Lawyers, and such Citizens as by their  
law, and by their trades, they may thrive, and live Barrester-like, and  
Lawyer-like; Marchant-like, and Citizen-like, though they be not a-  
ble to live Serjeant-like, or Judge-like, Alderman-like, or Lord-like.  
In like sort questionlesse, would it be an excellent encouragement,  
to many fathers, to send many sons unto many Schooles and Univer-  
sities of learning, if so be there were many and good rewards, rather  
than few and great rewards provided for many, rather than for few  
learned men in the Church. For if there be but few rewards, albeit  
the same be great, then but a few fathers among many, will adven-  
ture the spending of their substance, upon a vaine hope, that their  
sons shall obtaine great rewards of learning. For what father know-  
eth the capacitie, and diligence of his son? Or who can divine that his  
son, shall be one among the number of a few men greatly learned,  
worthy, of a great reward, and to live Deane-like, Archdeacon-like,  
Bishop-like, or Archbishop-like? Wherefore if such a change of  
the Clergie, as whereof wee speake, were made, that is to say,  
if an unlearned, and undiscreet Ministerie, were changed into a  
discreet and learned ministerie: it is not to be doubt<sup>d</sup>, but a farre  
greater number of sons, would be sent by their fathers, to the stu-  
die of good learning, than now there be.

Prelacy the  
bane of a  
learned mi-  
nisterie.

From whence also it followeth, that either Papall Prelacie is the  
only bane of a learned Ministerie, or else that an unlearned Mini-  
sterie, is the untimely fruit of the wombe of Papall Prelacie. Both  
which twaine, rather than one of which twaine, being true, we leave  
it to be considered, whether the mother conceiving too soon, or the  
daughter borne out of time, or both as an afterbirth, and superflu-  
ous members should be cast away, and cut off from the body of the  
Church? The admonitors next argument, is drawn from the small  
continuance in the Universties.



ADMONITION.

*Furthermore who seeth not, how small continuance there shall be in the Vniuersities to make men of any profound knowledge, when the very necessitie of places, shall draw men away, before they come to any ripenesse or profound knowledge, &c.*

ASSERTION.

This argument is as an headlesse arrow shot against a corselet of Steele, out of a bow unbent, for what can this argument pierce, when in effect the conclusion is thus :

*If every parish should have a learned and discreet Minister, then men should have but small continuance in the Vniuersitie, to make them men of ripenesse, or of any profound knowledge,*

*But that men should be of small continuance in the Vniuersitie, and should be drawn away, before they come to ripenesse or profound knowledge, is not meet.*

*Therefore it is not meet that every parish should have a learned and discreet Minister.*

The reason of which consequence is thus : viz. The very necessitie of places (saith hee) shall draw men away before they come to any ripenesse : The learnednesse then, and discretion, of a Minister, by his reason, dependeth upon his long continuance in the Vniuersitie. And what shall we then say of the learnednesse and discretion, of such Ministers of the Bishops making, as did never continue in the Vniuersities, one day in all their whole life ; but hereunto they answer, that the very necessitie of the one, is so great, as that the people must have prayer said, and the Sacraments administred, lest the people in the countrey should grow to an heathenish barbaritie : unto which answer, againe I reply and reason thus : if a man of unlearnednesse and without knowledge and ripenesse, may be a Minister, then a man of small learnednesse, of small knowledge, and of small ripenesse, may be a Minister much more ; and againe :

Page 124.

*If necessitie of places may draw men of no continuance in the Vniuersitie, of no knowledge, and of no ripenesse, into the Ministerie : then may the necessitie of places draw men of small continuance, knowledge, and ripenesse,*

*But the necessitie of places may draw men of no continuance, knowledge or ripenesse into the Ministerie.*

*Therefore the necessitie of places may draw men of small continuance, knowledge, and ripenesse, into the Ministerie.*

The second proposition of which syllogisme, is confirmed by practice, and precept, by word, and by deed, of most of our reverend Bishops. And then from their owne practice, I argue thus: if the necessitie of saying prayers, of reading service, and of deliverie of the elements, be of necessitie, and of necessitie require unlearned Ministers: rather than no Ministers: then much more the necessitie of having faith, the necessitie of the salvation of our soules; and the necessitie of God his glorie, is of necessitie; and being of necessitie requireth Ministers of small learning, of small continuance, of small knowledge, and of small ripenesse: rather than Ministers of no learning, no continuance, no knowledge, and of no ripenesse.

Faith more  
necessary to  
be preached  
than the sa-  
craments be  
administred

And if faith, salvation of men, and the glorie of God, as soundly, and as sincerely may be preached and promoted, by young and rude Timothy, as by aged, learned, and eloquent Apollo, what necessitie is there of continuance in the Univerſitie, to obtaine more profound knowledge, or any other riper understanding, than is that knowledge, and that understanding, whereby faith to the salvation of men, and to the glory of God, is of necessitie to be preached? Again, if by continuance in the Univerſitie, profound knowledge, and ripenesse, be so necessarie, that (as is pretended) in respect thereof, a change of the Clergie may not be made, and that unlearned, and undiscreet Ministers, as it were by necessitie, should still bee placed; then seemeth it reasonable, to move the L. Bb. that it would please them to effect an abolishment of some of the statutes, of all the Colledges in Oxford and Cambridge: whereby all Masters of Art, of what youth, ignorance, or rudenesse soever they be (excepting some small number, which by order of their foundation, be put apart to the studie of Law or Physick) some after two, some after three, and some after foure years of their commencement, are compelled either to enter into the Ministerie, or to leave their fellowships: Nay in some Colledges, if Bachelors of arts bee chosen fellows, and bee not Ministers after one yeare, by statute they lose their places. The principle reason of the founders of all which statutes (to my best remembrance) is this: namely that the harvest being great, and the labourers but few, many labourers, shall be sent from those Colledges, into the harvest. Neither can it be intended, that many labourers of long continuance, many labourers of profound knowledge, or many la-

bours-

bourers of ripenesse should be sent. But it is simply provided, that many labourers, and not loiterers should be sent, and yet now the Admonitor rather than that some loiterers should not be sent, contendeth to seclude some labourers from the worke. Besides, how can they be of any long continuance, of any ripenesse, or of any profound knowledge, in the mysteries of faith and godlinesse, when not having accomplished the age of 24. years, 26. or 28. years at the most, and not having given themselves above 2. 3. or 4. years at the most, to the studie of divinitie, nay which after the studie of 3. or 4. years of Philosophy or arts, and no studie of Divinitie, must notwithstanding enter into the ministerie? wherefore from the statutes of the Colleges in the Vniuersities I thus dispute: If the necessitie of the College statutes, doe compell:

*All Masters of Arts before mentioned, and some Bachelors of arts not having any profound knowledge, or being but of small continuance, or not of any ripenesse, either to leave their Colleges, or to enter into the Ministerie, then much more the necessitie of preaching faith, the necessitie of being saved, and the necessitie of Gods glory may compell men of small learning, of small knowledge, of small ripenesse, and of small continuance, to execute their ministerie, rather than that any parish should be necessarilie clogged with a Minister of no learning, of no discretion, of no knowledge, of no ripenesse, and of no continuance.*

*But the necessitie of the College statutes doe compell the one, Therefore the necessitie of Faith, &c. may compell the other.*

#### ADMONITION.

*Against the inconuenience of discipline, by excommunication onely (which hee saith we so much cry for) hee telleth us that some learned men of this age have at large declared in their works set forth to the world, that the same will bee of most men condemned, and that it will be of small force to bring to effect any good amendment of life.*

Page 81.

#### ASSERTION.

*But who taught him to father, or to fasten this untruth upon us? only then this might suffice for answer, that hee did never yet*

R. 2

heard

No discipline by excommunication only called for. Discipline by excommunication only, no more to be suffered.

heare, any one of our part, so much as call, much lesse to cry for discipline by excommunication only. For wee say cleane otherwise, viz, that the Discipline of the Church ought not to be executed (as now for the most part it is) by excommunication only. This manner of discipline therefore, by excommunication only, is one of the disorders in the Church, used by the reverend Bishops, and which wee so much desire, to bee reformed. And for this cause we intreat their Lordships, to forbear the practice of that, which (as it seemeth) they would so faine have others to mislike.

But happily this was not the marke whereat the Admonitor shot; for Bishoply and Archdeacons excommunication, being daily used, it is like that he bent his bow, and aimed at that excommunication only, which is pastorall and Elderly. Against which forme and manner of excommunication, let be so, that some learned men of this age, have at large declared in their workes, set forth to the world, that the same will be of most men contemned, and that it will be of small force to bring to effect, any good amendment of life, let this (I say) be granted, what of all this? must the Church of England therefore, dislike and reject the same? God forbid. The whole doctrine of Faith and Sacraments, we know to bee of most men contemned, and to be of small force to bring most men from superstitious and popish idolatrie. And how then is it possible, but that the sword of this doctrine, should have as little entertainment amongst most men as the doctrine? He that casteth away the kernell, will much more despise the shale: And hee that setteth light by the sword, will set lesse by the scabberd. It sufficeth then that the children of the Church in England, striving to enter in at the narrow gate, and embracing the doctrine of the Gospell, it is sufficient (I say) that they submit and subject their necks unto the yoke of the Gospell, for what have we to doe with them that are without? Doth the law of England endight, condemn and judge a Spaniard resiant in Spaine?

The Admonitor himselfe affirmeth (at the time when our Saviour Christ said, *dic Ecclesia*) that there were many presidents as it were, and governours of the Church together with the chiefe Ministers of every congregation; nay further hee saith that he will not deny that the Apostles afterward, and the primitive Church, did practise the same.

These some learned men then, must shew and prove (unto us the children of God in England,) that this forme of governing the Church, and excommunicating by any presidents and go-

The writings of some learned men not sufficient to condemn excommunication by pastors and Elders.

page 134

page 135  
The Bb. confesseth that the Minister and Elders, did govern in the primitive Church.

verours,

vernours, together with the chiefe Minister of every congregation, was given to the Churches in the time of Christ and his Apostles, but only for that time, and that therefore that form is now at an end, and ceased, or els it must be confirmed unto us, that God hath in these dayes altered and changed his mind touching England, and that hee hath by some new vision, or revelation, commanded the Reverend Bishops in these dayes, to teach the Church of England, that he will not have the same manner of Government used in the Church of England, because it would be of most of his Children in England contempned, and of small force to bring to effect any good amendment of life in them: for albeit all the Learned men in the world, had declared as much in their workes set forth to the world, as is here spoken of, what were that to the children of God in England, unlesse the same Learned men, had taught unto us true learning from the mouth of God? How much lesse are we bound to regard, what only some Learned men of this age have declared unto us, the same some Learned men having no warrant out of the holy Booke of God for such their Learning? For if the declaration of some Learned men of this age, in their workes set forth to the world, may be a sufficient warrant to draw men from the way of truth: then hardly let the declaration of Doctor *Harding* against the true use of the Lords Supper, and then let the declaration of *Osinus* against justification by faith, and the declarations of *Bellarmino*, against diverse Articles of our Religion, and the declaration of Doctor *Allen*, against the execution of Justice in England, and the declaration of Doctor *Saunders*, a revellious fugitive, in the defence of the Popes Bull, and the declaration of *G. T.* for the pretended Catholics; and lastly, let the declaration of the Pope, and his whole Clergy, excommunicating our late Sovereigne Lady the Queen deceased, bee received, and listned unto. For who can deny but that these men were some men, and that these some men were also some learned men, and who then seeth not the loosenesse, the vanity, the trifling, and the toying of this argument.

The Argument following which the Admonitor would seeme to let passe, drawne from experience, is of like quality. For though experience (as hee saith) teach that men of stubbornnesse, will not shun the company of such as bee excommunicated, and though such men of stubbornnesse, must be also (as he saith) excommunicated, for keeping of company with them, yet to affirme, that by meanes of Pastourly, and Elderly excommunication, moe will bee excommunicated, as being men of stubbornnesse, than in commun-

The opinion of some Learned men not sufficient for the Church of England to depart from the word.

Page 11.

By excommunication of Pastors and Elders, moe can not bee out of communion than in communion.

on, is a very grosse, and palpable error. For we hold (as the truth is) that the greater part of the Church cannot be excommunicated by the lesser; nor that many should be excommunicated, by a few; nor that a few should be excommunicated by one of the Church. And if the common union must necessarily consist of all, or of the most part of the faithfull, then is the lesser part alwayes out of this common union. For what else is excommunication, but *extra communionem ejectio*, a casting forth of one, or of moe persons from the common fellowship, society, and company of the faithfull? The greatest part whereof, and not the least, are accounted to be the Church, and to be in communion; unlesse then the whole Church, or the greater part of the Church, having once cast out from among them, one or moe adulterers, blasphemers, extortioners, or such like, and having also excommunicated men of stubbornnesse, for keeping company with such, shall themselves all, or the greatest part, become children of disobedience, and men of stubbornnesse: it can not be, but there must be still moe of the Church, in communion, than out of communion. But if the whole Church shall have cast away the yoke of Discipline, and become such themselves, as were those whom before they had excommunicated, then is it a cleare case, that there is not any more, any communion among them. For how should any common union be there, where is no union at all? And if all bee departed from obedience, where then can the Church bee? Nay further, if the greatest part of the Church should revolt, and forsake the faith, yet hereupon it would not follow, that moe of the faithfull, be out of communion, than in communion. For then such onely as remaine in the unitie of faith, and have not separated themselves from Christ, remaine now only to bee in communion with Christ: out of which number also, if any should be excommunicated, by the residue of their brethren, yet even among this small number, there would be still moe in communion, than out of communion. For to be out of communion can not be understood, to bee of any but onely of such as remaining in the profession of faith, and godlinesse, are yet notwithstanding found guiltie of some transgression, and for the same by the Church, for a time cut off from the Church by sentence of excommunication.

These deformities, and inconveniences therefore, can in no wise follow, that Discipline of excommunication, by Pastors, and Elders, which so much is called for. But certes, it sared (I feare mee) with the Admonitor, and sundry of his colleagues in this case none otherwise



wife, than it fareth with incontinent women, once (say they) incontinent and ever incontinent, we know it by our selves. Our Ecclesiasticall Judges and Officers, in like manner, seeing by experience, those whom they account to be men of stubbornnesse, not to shun the company of such as they daily excommunicate; yea and they perceiving also, that it may fall out, that moe, under their Jurisdiction, may bee out of their communion than in communion with them, because one man alone (as hee plainly insinuateth) may excommunicate the greatest part of the Church under his censure (for otherwise he could never have supposed, that moe would bee out of communion than in communion) because (I say) these deformities, and these inconveniencies, by their owne experience, have beene found to have followed upon that discipline of excommunication, which hitherto hath been practised; it falleth out, that they cannot otherwise judge, but that all other manner of discipline, by excommunication, must be of the same nature and condition, that is, as deformed and inconvenient; as their owne is. And yet in this place it is worthy to be marked, what a rod the Admonitor hath gotten out of S. *Augustine*, to whip his owne discipline, by excommunication onely out of the Church, and thus it may be framed.

By the bishops excommunication moe are out of communion, than in communion, it is therefore by his own reason, a deformed discipline.

By's. Augustine's reason bishoply excommunication hath many deformities.

That discipline whereby moe will be, or moe may bee excommunicated than in communion, hath in it many deformities, and inconveniencies:

But by the Discipline of excommunication. Which the reverend Bishops, their Archdeacons, Chancellors, Commissioners, and Officials practise, more will bee, or more may be excommunicated, than in communion.

Therefore that Discipline by excommunication, which the reverend Bishops, their Archdeacons, &c. practise, hath in it many deformities, and inconveniencies.

The Major proposition (if he speake truly) is S. *Augustine's*, but whether it be or be not, it is no great matter, because it needeth not the authoritie of any man to confirm it, the same being found and true in it owne nature. The Minor is drawne from his owne reason thus:

Where there be moe men of stubbornnesse in the Church, than of obedience, and where there be more men that shun not, than that shun the

com-

company of those that be excommunicated, there was will be, or may be excommunicated, than in communion.

But there be more men of stubbornnesse, than of obedience, and more that shun not, than that doe shun the company of those that be excommunicated by the Reverend Bishops, their Archdeacons, Chancellours, and Officials.

Therefore, there may be, or will be more excommunicated, by their Lordships, their Archdeacons, Chancellours, &c. than in communion.

The assumption, though I cannot warrant the same to be simply true, yet I may safely warrant it, to be drawne from the Additors owne experience. For I let passe (saith he) that experience teacheth that men of stubbornnesse, will not shun the company of them that be excommunicated, &c. and that they must bee excommunicated for keeping of company with them. And so it will fall out, that more will be excommunicated, than in communion; but this last consequence (say I) cannot follow, unless he first presuppose both his Antecedents to be true: And therefore because hee must needs be intended, to have spoken of that kinde of excommunication, whereof he hath had experience, it followeth that these deformities, and inconveniences whereof he speaketh, must needs be found in that excommunication, which he and his use. For of the other kind of excommunication, hee never yet had any experience: And then by experience he could not speake. If he spake not of his owne experience, but of the experience of some other men, then have we but little cause to believe him, because we know not what manner of persons those were, from whom he drew his argument of experience, and whether they reported deceitfully, or truly of their owne experience, or no.

And if this argument drawn from the experience of his owne manner of Discipline, be of sufficient validitie to impugn (as he weaneth) that Discipline by excommunication; which so much (as he saith) is cryed for, and whereof as yet hee never had experience, how much more effectfull then is this argument to overthrow that his owne manner of Discipline, which hee so long time to so small profit, and, with so great inconveniences, and deformities, hath so unprofitably practised? For can there bee any greater deformitie, than that one member should be supposed to be the whole body, or that one man should make a communie? And yet this deformitie, by his experience, may fall out to be seen even under that discipline, which

Bishoply  
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deformities

By disci-  
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which every Ordinarie exerciseth. For if by processe, *Ex mero of-  
ficio*, an Ordinarie should excommunicate any one of his jurisdic-  
tion, for not communicating with an idoll Minister, or for holding  
that Christ in his soule did not descend into hell, or for denying read-  
ing to be preaching, and withall should pronounce all them to bee  
men of stubbornesse, which would shun the company of him so  
excommunicated. And for that cause also should excommunicate  
them, as is here supposed lawfull to bee done, were it not a cleare  
case that the body of that Church must now bee taken to consist on-  
ly in the person of the Ordinarie, and one member to become the  
whole body? For if all under his jurisdiction were once excom-  
municated, how could then any be in communion with him: And  
if they all were once excommunicated, must not the Ordinarie then  
alone be the common union, and so make a communitie? And what  
a deformed kind of excommunication, then is that kinde of excom-  
munication, whereby it may fall out, that to be one, is to be many,  
and that to be a Church, a companie, a societie, and a fellowship, is  
to be one? of which nature, and of which kind that manner of ex-  
communication, which by Pastours and Elders is to bee executed,  
cannot be as hath already beene proved. If then excommunication  
now used bee a deformed kind of discipline, and therefore, as we  
say, to be no more tolerated, and if excommunication by Pastours  
and Elders, be a kinde of discipline for the inconvenience thereof,  
(as he saith) not to be planted: what manner of discipline by ex-  
communication would he have in these dayes, trow we? would hee  
have none at all? verily I suppose none at all. For so doe his words  
plainly insinuate, by two reasons following: First (saith he) the  
loosenesse of these dayes, require discipline of sharper lawes by pu-  
nishment of bodie, and danger of goods, which they do, and will  
more feare, than they will excommunication: Secondly, wee have  
(saith he) a good manner of discipline, by the Ecclesiasticall com-  
mission which doth much good, and would do more, if it were more  
common. But why did he not speake plainly, and why did hee not  
affirme devoutly, that discipline by excommunication, was good  
where the Church was in persecution, and that it is not necessarie,  
nor so convenient under a Christian Magistrate as it may be other-  
wise? For if Pastors and Elders were appointed joynt officers, only  
for times of persecution, and not to be under Christian Princes, it  
followeth (these joynt officers ceasing) that all accessories, appendi-  
ces, and consequences, of their joynt offices must also cease, unlesse it  
can be proved out of the holy Scriptures, that the offices of Pastours

The Admo-  
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ought still to continue, and that the Offices of Elders ought not to continue; because the offices of Elders, with all their appendices, have been translated by our Saviour Christ unto Archbishops, Bishops, Archdeacons, their Chancellours, Commissaries, and Officials. For unless these Officers be Christs Officers, the discipline which they use cannot bind the consciences of the people of God. And for this cause is it very probable, that he so commendeth discipline of sharper lawes, and discipline by the Ecclesiasticall commission. For if these officers, by their discipline have not to do with the consciences of men, then is it no marvaile that men feare not their discipline. And therefore if they will be still officers, it is requisite, that they call for such a discipline, as might cause men to stand in awe of their authoritie. But were they indeed the officers of God, and had they indeed the authoritie from God, to execute discipline by excommunication, as Pastours and Elders did in the Primitive Church; then were the loosenesse of this age never so great, yet that the children of God in England would more feare the losse of goods, lands, bodies, or lives, than the censure of Gods officers is one of the Admonitors paradoxes. And here I appeale the consciences of all the reverend Bishops and Prelates in the land, and let them answer me hardly, if they judge themselves to bee the children of God, and had seven times seven thousand lives, whether they had not rather seven thousand times be committed to the Goaler of *Winchester*, than once be delivered over, to the Goaler of Hell. And are not all the children of God in England their brethren? And are they not all led by one and the selfe same spirit? And how then can they lesse feare excommunication (which is a deliverie of the soule to Satan) than the punishment of body and danger of goods? And yet touching this point of Excommunication, hee seemeth to be against himselfe, for in the 137. page, he telleth us that happily it may be a fault, yea and a great fault that is found with the bishops in these dayes, that they doe not excommunicate the Prince and Rulers, and so constraîne them to doe that, which by perswasion they will not doe. If then excommunication bee so terrible to Princes and Rulers, how should it be of so light account with subjects? And if it be so powerfull as it can constraîne Princes and Rulers to doe their duties, how much more fearefull would it bee, to compell inferiours, and men of low estate, to live soberly in their vocations? I will not here debate the matter touching the excommunication of Princes and Rulers; much lesse touching the excommunication of the Prince and Rulers of our land. But I would gladly

gladly be informed, what they were, or who they be, that found great fault with the Bishops in these dayes, for not endeavouring to excommunicate the Prince and Governours?

The Papists, they thinke it sufficient, that the Prince and Governours, be excommunicated by the Pope, and his Clergie. The Ministers, and people professing the Gospell, and seeking for reformation of excommunication, deny the Bishops to have any divine power granted by the Word of God, to excommunicate a private man, much lesse doe they thinke it lawfull for them to excommunicate the Prince and Rulers: Who then (I say) find fault with the Bishop, that they do not excommunicate the Prince and Governours, and to constraîne them to do that which by perswasion they will not doe? For my part: I cannot ghesse, whom he should meane, unlesse he meant to give us to understand, that some Prelatists have consulted about the excommunicating, both Prince and Governours, for not making sharper Lawes, against such, as whom the Prelates, and their favourites, have falsely slandered, to be pestilent fellowes, movers of sedition, enemies to Cæsar, troublers and subverters of the state; Puritans, and I wot not what chiefe maintainers of the sect of the disciplinarians; unlesse (I say) he should mind some such Prelatists, I can not ghesse any subjects within the land, to bee so undutifull, as to find fault with the Bishops, for not attempting to bring our Late Sovereigne Lady the Queene deceased, to their excommunication. And therefore to enforme the people of an Author, and not to bring him forth, it argueth and breedeth great suspicion, that the enformer was the Author himselfe. Touching the loosenesse of some or of all in these dayes, that are without the Church, if hee intend that they require Discipline of sharper Lawes, by punishment of body, and losse of goods, than excommunication, and that they will more feare that manner of punishment, I hold, and affirme therein as he holdeth, and affirmeth, and yet (I say) that to the matter in question, hee hath fitted no other answer, than as if hee had answered, a poke full of plummegs, or a Buchet full of Peares, (for the controversie is not concerning those that are without, but concerning those that are within: not touching those, that are not of the house-hold, but touching them that are of the house-hold of faith and of God.) As for the first sort of which people, the Reverend Bishops with good leave, may pre care what sharp punishment, they can devise, for by the Church excommunicated they should never bee.

For how should any be thrust from the communion of the Church, who

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Ab. 1. 16,  
20. 17. 6.

Excommu-  
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of the  
Church.

who never were in the communion with the Church. But it is to be feared, that this sharpness of punishment, is not urged so much to be inflicted upon them, that are without, as upon them, that are within the bosome of the Church. For though such, as bee without, did a long time scorne, and set naught by the sword of excommunication, which was not onely drawne out, by the Chancelours, Commissaries, and Officials: for every crust of bread, and for every piece of Bacon, but also, which was againe put up, for every cracked grote, and for every *IRISH* harper; the Reverend Bishops whole freehold by such contempt, was not touched, were pacified, and contented themselves well enough by inflicting, and releasing that manner of punishment, but now for so much as they perceive the Children within the Church, to begin seriously, and religiously to stand against the use of Lordly and humane censures for the Crown and Scepter of our Saviour Christ, and that the statelynesse of Prelacy, must be taken one hole lower, if the simplicity of the holy ministry bee exalted a degree higher; they pretend Discipline by excommunication, which is the sword of the Son, and heire of God, to be too bluntly pointed, and too badly edged, to foynt, or to strike withall.

Touching that very good manner of Discipline by the Ecclesiasticall commission, which hee saith hath done and doth daily much good, and would doe more, if it were more common, the people whom hee admonisheth, have just cause of being desirous to understand what manner of Discipline it is, which is so highly commended. For all men know, that the Ecclesiasticall Commissioners use not in all places, and at all times one and the selfe same manner of Discipline. For the same Commissioners, for the same kind of offences, sometimes suspend, sometimes deprive, sometimes degrade, sometimes excommunicate, sometimes fine, sometimes imprison, sometimes command this penance, and sometimes that. Nay sometimes having convented before them, grave, Learned, and godly Ministers, for crimes supposed to be Ecclesiasticall, and for the same pretended Ecclesiasticall offences, having detained them some yeares in durance, for refusal of the oath *ex officio*: in the end not having any other supposed just cause of inflicting any punishment upon them, by Ecclesiasticall authority, have been forced, for a shew, to maintaine their own credits, to cause accusations to be framed against them, by the Queenes Atturney in the High Court of Star Chamber, as against violators of the dignities of the Royall Crowne, whose innocencies by the very witnesses produced by their meanes on the be-

halfe

Not one manner of Discipline used by the Ecclesiasticall Commissioners.

This Discipline was practised against Master Cartwright, Fenner, Whight, L. Snape, and others,



halfe of the Queene, have notwithstanding bene fully cleared from the fautes objected, and the Ministers discharged, without any ordinary punishment usually inflicted by that Court upon malefactors. Nay further, when the Ecclesiasticall Commissioners had committed Master *Udall* to prison; where he remained halfe a yeare, for refusal of the oath *ex officio*, touching his knowledge of the Author of a Book, entitled *The Demonstration*; in the end he was delivered over as a felon for making of the same booke, and for the which he was arraigned, and convicted, and so died in prison: notwithstanding our Sovereigne Lord, *King James*, then King of *Scotland*, had Graciously written for his deliverance. And how then would the Admonitor have the people contented with such a moderation of Ecclesiasticall discipline, as the Ecclesiasticall Commissioners many times use? For did he thinke that every manner of discipline used by the High Commissioners can not bee, but a very good moderation? Why then let some of the Commissioners, tell the people whether the Ecclesiasticall Commissioners used a very good moderation, and manner of Discipline Ecclesiasticall against the same Master *Udall*, when they tendered unto him a corporall oath, to have appeached himselfe upon a matter which was adjudged to be Felony? or let them declare, what a very good manner of discipline Ecclesiasticall, certaine Ecclesiasticall Commissioners used, when having a Gentleman before them, wearing long haire, they constrained the same Gentleman, by force, and strong hand, to have his head noddet in their presence? The wearing of long haire, by our Lawes being not reputed an Ecclesiasticall crime, no although the same be worne by attendants upon the Reverend Bishops, waiting on their Trenchers. Or let them signifie unto us, what a good manner of discipline, and moderation it was for a Bishop and his associates, to make an act, in the High Commission Court, repugnant to the Institution of our Saviour Christ, and contrary to the order appointed by the Book of Common Prayer, that the Minister should put the Sacramentall bread into the mouth of a superstitious communicant, and not deliver it into his hands? After our hearty commendations (saith the Bishop and his associates) whereas *I. V.* one of your charge, hath bene often convented before us Her Majesties Commissioners, in causes Ecclesiasticall, for not receiving the holy Communion, it seemeth unto us, that he hath not of any contemptuous minde, refrained from the same, but is willing to receive it, and so hath bound himselfe, saying that hee hath a scruple in his minde by reason of a fond vow, or promise hee made long agoe:

(whereof;

Ecclesiasticall Discipline used by the high Commissioners against M. Udall.

An oath tendered by the Ecclesiasticall Commissioners unto M. Udall in case of Felony.

The Minister authorized, to put sacramentall bread into the mouth of a Communicant.

(whereof he is sorry) never to receive the Sacrament into his hand, but to put it into his mouth by the Minister? And therefore wee pray you to beare a time, with his weakenesse, and permit him to receive it in that sort, untill by your good counsell, and perswasion, he may be reduced from that fond scruple. And so we bid you heartily farewell.

Your loving friends, &c.

Master Excommunicated by the High Commissioners, most whereof were lay men.

And seeing the Admonitor hath opposed a very good manner of Discipline, by the Ecclesiasticall commission against excommunication, it seemeth that excommunication in his judgement, is no good or moderate discipline, to be used by the Ecclesiasticall Commissioners. And then were it fit, that the people were resolved, what a very good manner of Discipline Master D. W. and other Ecclesiasticall Commissioners used against Master E. whom by vertue of the Ecclesiasticall commission they excommunicated? The tenor of which excommunication, taken out of the Register at L. followeth. *In Dei nomine, Amen, Nos I. W. Sacra Theologia Doctor, &c. Cancellarius ecclesie, &c. M. A. M. Armigeri, & M. H. civis civitatis, &c. Commissarii rite, & legitime procedentes, I. E. de B. L. Dioceses ad hos diem & locum legitime, & peremptorie citatum, & praecognitatum, diuq; expectatum, & nullo modo comparentem, pronunciamus contumacem, & in penam contumacie sue huiusmodi eum excommunicavimus in his scriptis.*

{ Concordas cum }  
{ Regio. }<sup>T</sup>

Authority committed to Pursuivants by the Ecclesiasticall Commissioners. If the Queen had specially commanded this search, it is credible, that her privy Counsellors should have set to their hands rather than the High Commissioners.

Moreover it seemeth not an unmeet thing, that some Ecclesiasticall Commissioners, did make knowne unto the people, whether banishment be an Ecclesiasticall Discipline; and what moderate discipline Ecclesiasticall the Commissioners used when they banished religious Master Fullerton the Scot, from dwelling at Warricke, or within certaine Miles thereof. Or let them informe the Realme, what a very good moderation was used, when by the Ecclesiasticall Commission, for suppressing of Martines Books, and other books of argument, against the Hierarchy, they authorized drunken and swearing Pursuivants, to search mens houses, and to break up their chests, &c. the Copie of which their Letters is this, *viz.* Whereas the bearer is (say they) by the Queenes Majesty especially appointed, to make search, and to apprehend, certaine suspected persons, according to such particular directions, as he hath in that behalfe received, these shall be to will, and require, and in her Majesties Name strai-

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ly to charge and command you, and every of you, to whom these shall appertain, to be by all good and possible meanes: ayding, and assisting to the bearer in the execution of this service, by entring into all such houses; as he shall think meete, and hold suspected, as well within liberty as without, and that in them, and every of them, to make due, and diligent search. And to search all manner of writings, letters, papers, bookes, and all other things carrying note of suspicion, sparing no studies, chests, cubbarus, lockes, or walles, as also to apprehend, examine, and bring before us, such persons, as by Her Majesties said direction, therein appointed, and wherein if he shall any way require your further assistance, you may not faile, to yeeld him the same, with all diligence, and dexterity, according to the trust reposed in you, as you will answer for your default, for the contrary at your uttermost perill. Directed unto all Mayors, Sheriffes, Justices of Peace, and quorum, Baylifes, Constables, Hed-boroughes, Tything-men, and to all other her Majesties Officers, and Subjects, &c. But be it that all these manners of Disciplines, were moderate, and good Ecclesiasticall Disciplines, and more to be used, yet there may a scruple remaine, which were fit to be discussed, what a very good moderation, and manner of Discipline, within our remembrances, was used, betweene an Archbishop, and a Bishop, both high Commissioners, against certaine Gentlemen, and one of their Wives, about these Articles following.

Articles objected by her Majesties High Commisloners, for causes Ecclesiasticall against G. B. of B. and F. B.  
of B. in the Countie of L.



Uprimis, VVe object unto you G. B. and L. your wife, that you have within these seven yeares, and so at this present, doe keepe company, and use conference with diverse persons, disobedient to her Majesties lawes, and such as be suspected to resort and frequent, unlawfull Conventicles.

Quere, whether this convention were lawful, for this cause. Quere, against what law this entertainment was, and whether the Bishop of L. conversing with Popish Priests and traytors, did not more offend.

*Item,* wee object unto you, to the end you might the better insinuate your selves into their companies, you have tabled and boarded vwith the same parties, and that you or one of you, have beene heretofore convented for the causes aforesaid, before the novv Lord Archbishop his grace, for entertaining into your house a person which stood then, and yet standed suspended, and deprived, for disliking the Booke of Common Prayer, and other godly orders established by Her Majesties authority in this Realme.

*Item,* VVee object unto you the said G. B. and L. your Wife, that you have not frequented divine service, celebrated vwithin your Parish Church of Bothese vi. 5. 4. 3. 2. or one yeares last, nor doe not at this present, at least every Sunday, nor have received the holy Communion within your said Parish Church during the said yeares.

Quere, whether the Bishop did not more offend the law of God by preferring these articles, than the Gentleman did by procuring his children to be Baptized by a preaching Minister having none at home.

*Item,* that you the said G. B. and L. your Wife vwith in the time aforesaid, have not Christened, nor baptized your Children vwithin your Parish Church, but contrary to the forme, and order of Her Majesties Lawes in that case provided, have either christened them at home privately in your ovvn house, or have carried, or caused them to bee carried to other Churches. And let them declare what Church, and vwhat Minister did baptize them, and where, and vwhether the same Minister, did at the same baptism, signe the child vwith the signe of the Crosse, and let them declare the cause, why they did baptize their children out of the Parish.

Note that the Bishop of L. was not bishop of the Diocese.

*Item,* that the Ministers pevv or seate in the Church of B. aforesaid, by the direction of the L. Reverend Father in God the Bishop of London that novv is, being at the same Church, as also by the consent of the Minister, and Church-Wardens there, vvas placed in a very convenient place

place of the Church, to the end the Parishioners there might the better heare, and understand the Minister, at the time of reading the divine service.

*Item,* We object unto you, that you the said F. B. vvith- in these *vi.* or 3. moneths last past, have vvithout any sufficient varrant, or commandement from the Father in God, the Lord Bishop of London or his Clancelour, or other having authority therein, very disorderly, and contemptuously, removed the same seat, to the great offence of the Parishioners, and bad example of others.

*Item,* We object unto you, that you knowv, beleve, or have heard say that Za. G. is a Preacher of the VVord of God, and a man of good life, and conversation, and law- full Parson of B. aforesaid.

*Item,* VVe object unto you, that the premisses notwithstanding, you the said F. B. upon a Sunday, vvithin a quarter of a yeare, last past, vvhen the Parishioners of B. vvere assembled together, at the said Church to heare Divine Service, caused diverse serving men, and others to sit in the Pevv or place, vvhich properly belonged to the Par- son of the said Church: so that vvhen the said M. G. came to take his place, they thrust him, and very disorderly in the time of Prayer, kept him out of the said place.

*Item,* VVe object unto you F. B. that about six yeares past you the said F. brought into the town of B. a bastard child, as it is credibly thought of your ovvne, and there placed it at nurse, and have lately received it into your own house, to the great offence of the inhabitants there, and the bad example of others. *Et objicimus cum duobus & de quolibet.* Subscribed, &c.

*Wherunto in the foote of these Articles was added.*

Master B. I pray you let this matter be followed *ex officio*, and the parties presently to be sent for, by warrant.

Subscribed, &c.

NOW these Gentlemen, according to the Bishops direction, being presently sent for by a Pursuivant, to answer the Articles objected, they forthwith make their repaire to the Archbishop, with a Copie of the Articles, with whom they finde such grace, as in their behalfe immediately let writeth to the Bishop as followeth.

Salutem in Christo, My very good Lord, I have by meanes received these Articles enclosed, signed by your Lordships hand, and can not but greatly marveile, that contrary to the orders of the Commission Court, subscribed by your selfe, and the rest of the Commissioners, you would cause a Gentleman of such a qualitie, as Master B. is to be sent for by a Pursuivant, before the ordinary proceesse of a Letter missive were served upon him, especially for matters of so small moment. Neither will it be thought to proceed of any just cause, but rather of some other misconceite, when it shall be understood that there is a controversie in Law elsewhere depending, betweene him and a kinsman of yours. And therefore for the avoiding of his further complaint and other offence, that may grow hereby, I heartily pray your Lordship to suppress the same, and proceed no further therein. Desiring you willball to have due consideration of the cause, lest I be enforced to deale likewise, in the defence of my kinsman, as you doe for yours. And so praying your Lordship to returne unto me answer hereunto, and what you meane to doe, with my very hearty commendations I commit you to the tuition of Almighty God. From, &c. the 17. of October, &c. Subscribed &c. Unto which Letter also was added as followeth. Master B. I pray you according to the tenor of this Letter, to see that this cause of M. G. and F. B. be dismissed from thence, and if any be bound to prosecute the cause against them, let them understand that I meane to heare it at, &c. otherwise let it wholly be dismissed, and the bands delivered.

## The Bishops Answer to the Archbishops former Letters.

My it please your Grace to understand that I was the more willingly drawne, to send for M. B. in that sort, because he was oft, and of long time accused, not onely to be a disordered

Note that the signe of Crosse in Baptisme by an Archbishops opinion is but of small moment, and that suspicion of bastardy may easily bee dismissed. Note that the 17. of October was the Sabbath day, at what time Arch. D. C. and D. B. sitting as Commissioners, the Arch. took pen & Inke, and crossed the Articles all overhwart, and signed them backe with his Letter.



ordered man himselfe, but also a great and open maintainer, and carrier from place to place of that wrangling Peritan, VV. And as it is to bee proved, a refrainer from his Church, and from the Communion, as I am informed. And therefore if we have omitted any circumstance or ceremonie, it is in zeale of the redresse of such a disorderly person. Which if it should bee found in your owne brother, I thinke your grace would not spare him. Nevertheless if you your selfe take it in hand, to his redresse, I for my part shall bee intreated, so that the man bee amended, who hath carried himselfe entrainously, both in this, and other things. And so referring the whole matter to your graces discretion, I take my leave, praying God to blesse us, in the peace of the Church. From, &c. the 17. of October, &c.

Your Graces most assured in Christ, &c.

Whatsoever speciall cause might move these two great Prolates, to stand either of them, for the defence of his kinsman, is not a thing materiall to this Treatise. But this honestly enough may bee averred, that it is no very good nor moderate kinde of ecclesiasticall discipline, either for the Archbishop and his associates, in regard of his kinsman presented to a benefice by the Gentleman, to cancell the articles of his colleague, and fellow commissioners: or for the Bishops upon a spleene taken against the Gentleman, for standing upon the right of his patronage, against his kinsman, to violate the publike orders, of the high commissioners, whereunto he himselfe had subscribed.

Many other formes of ecclesiasticall discipline of late yeares have bene used by the high commissioners: But whether they were all very good, and moderate disciplines or no is greatly doubted, by many wise, learned, and godly men. And namely it is doubted, whether such ecclesiasticall commissioners, as by letters patents, under the great Seale of England were authorised from the Queen, to exercise, use, occupie and execute, all manner of jurisdiction, priviledges, and preeminences concerning any spirituall or Ecclesiasticall jurisdiction, be able to prove unto the Realme, that they had lawfull power and authoritie, by the statute of 1 Eliz. c. 1 or by the Queenes letters patents made according to the true intent of that

Ecclesiastical discipline against the Magistrates of Banbury

statute, or by any other law or statute of the Realme to depute and substitute any other person under them, to use, exercise and execute any part of that jurisdiction ecclesiasticall, which by vertue of that statute and letters patents, was committed only to their fidelities and discretions. And whether it were a very good manner of ecclesiasticall discipline which was used, exercised, and executed either by the person so deputed, or by the Commissioners themselves, upon any proceffe or proceedings made by the said person substituted. Again, it is doubted whether it were a good manner of Ecclesiasticall discipline, for the high Commissioners to command the Magistrates of the towne of *Banbury*, at the suit of certaine popish companions to reset up a Crosse, which by vertue of the Queenes injunctions, they had peaceably, and lawfully pulled down. It is also doubted, whether it were a very good manner of Ecclesiasticall discipline for the high Commissioners, to detaine Master *Mere* one yeare or two in prison, depriving him also from his living, for his confident asseveration that *William Sommers* with divers others in *Lancashire* were possessed, and that Master *Dorrell* was not an impostor.

The occasion of the Admonitors great commendation, of a very good manner of ecclesiasticall discipline, used by the high Commissioners, hath necessarily drawn me, to shew the differences of the disciplines used by the same. To the intent the Kings Highnesse might be pleased with the advice of his Parliament, to consult, whether it were not more agreeable to the good lawes, statutes, and customes of the Realme, and more convenient, for the good government of the Church, to have one certaine forme and rule of Ecclesiasticall discipline, to be established, and to be used, by the high Commissioners; rather than thus at randome, to suffer their onely discretion, to be the Mistresse of all Ecclesiasticall discipline; especially since without any manner of appeale or supplication to be made from them unto the King, they use what manner of discipline soever seemeth good in their owne eyes, whether moderate, or immoderate, Civill or Ecclesiasticall, without check or controlement. Than the which there cannot seeme any thing more prejudiciall and burthen some unto the people.

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#### ADMONITION.

Furthermore the whole drift, as it may seeme, is to bring the government of the Church to a Democracie or Aristocracie.

ie: the principles and reasons whereof, if they be made anse by experience familiar in the minds of the common people, and that they have the sense and feeling of them, it is greatly to be feared, that they will very easily transerre the same to the government of the common weale. For by the same reasons they shall be induced to thinke that they have injurie, if they have not as much to doe in civill matters, as they have in matters of the Church, seeing they also touch their commoditie and benefit temporally as the other doth spiritually, and what hereof may follow, I leave to the judgement of other.

## ASSERTION.

Let it be granted, that their whole drift is to bring the government of the Church to that manner of government which the learned call Aristocracie, what incommodie should the Church or common weale receive by such a government? when as the same government is not only authorised by the holy law of God, but also commended unto us by the desires and wishes of sundry acts of Parliaments. For saith the booke of Common prayer, the Discipline of the Primitive Church, is greatly to bee wished. Aristocracie therefore, and the discipline of the Primitive Church, differing but in name, and not in nature, it cannot be hurtfull to the common weale, that the principles and reasons thereof should by experience be made familiar in the minds of the common people; nay it cannot but bee beneficiall unto the common weale, when the same shall understand, that the best observers of the law of God, and the best friends unto God and his people, are to be the Officers in the house of God. Neither is their whole drift, to be disliked, but to bee commended, that labour to bring the government of the Church from a Papall Prelacie, to a Christian Aristocracie: the one viz. Aristocracie, according to the interpretation of the name thereof, being *optimatum potestas*, a power of the best observers of the law; the other, viz. Prelacie, according to their practice, being *pestimatum potestas*, a power of the worst observers of the law: the first derived from the law of God, and practice of Gods people; the other reduced from the lawes and customes of the Gentiles and idolatrous Priests. And this of necessitie, in defence of the truth, the Admonitors argument, forceth me to speake; for  
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his opinion  
of Oligar-  
chie.

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Oligarchie.  
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a good re-  
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Oligarchie.  
a corrupt re-  
giment

by an implication of the dislike of bringing the government of the Churches by Pastours and Elders, to a Democracie or Aristocracie, he hath by consequence, disclaimed and disavowed the government of the Church by Prelacie, to be any of those two. And what other government then should we thinke Prelacie to be, but either Oligarchie, or Tyrannie? For neither Monarchie may it be, neither Policie, or politicall estate can it be: and other kinde of government besides these there is not any. For my part, I more charitably judge of the government of the Church by prelacie, than to match it with Tyrannie. And although the Admonitor, and the perusers and allowers of his booke, were men in their generation wise, yet had they well weighed the nature of the government of Oligarchie, they would rather in this argument, have beene silent, than upon disclaime of Democracie, and Aristocracie, (governments both of them commendable in their kind) have cast the commendation of their owne government of the Church by Prelacie, to so desperate an estate, as is the estate of Oligarchie. Wherein if any doe glory, because not many of the best, but some few of the wea'chiest, and richest sort doe governe, then let him hearken and consider, what (long since) was preached before Pope *Urban* the fifth, by one *Nicholas Orem*, a man singularly commended for learning in his time. Amongst all the regiments of the Gentiles, none (saith he) is more to be found, wherein is to be seene so great and exceeding ods, than in the policie of Priests: Amongst whom one is drunken, another is starved, amongst whom some bee so high, that they exceed all Nobles and Princes of the earth; some againe be so abased, that they are under all rascals; and such a common wea'th (saith he) may well be called Oligarchie. But *Thomas Aquinas*, hee seemeth to set the di'commodities of Oligarchie a pinne higher: for (saith he) as a Kingdome hath in it the commodities of all other good regiments; of Aristocracie, that the Noblest and chi'fest persons among the people, be taken to Councell: of policie or politicall estat: where an assemblie of all estates is had, and when the very best of all sorts, are chosen, to consult, and deliberate, of the publike weal: so doth Tyrannie containe, and hath in it all incommodities, and vices of all naughtinesse and corrupt regiments: of Oligarchie it borroweth, that the most wicked and corruptest men be Counsellours, and that as it were a rout of Tyrants doe governe. The reasons and pillars of which Oligarchie, are immoderatenesse, excessivenesse, disparitie, and inequalitye, passing and beyond all meane and measure. Now if our reverend Bishops shall shew

show themselves to be malecontented with mee, as though out of the opinions of these learned men, I would gather that the government of the Church by Prelacie, is one of the corruptest governments; I am to desire them to have patience untill they shall plainly demonstrate unto us, that the same is not Oligarchie. For if hereafter they shall revoke their former disgracefull judgements, against the discipline by Pastours and Elders, containing in it the very nature of true Aristocracie; and will, instruct us better of the true nature of their owne government of the Church by Prelacie; they shall find us silyable to their opinion, so that it be grounded upon the principles and reasons of truth. In the meane season (after the fashion of the Admonitors manner of admonishing the people, wee most humbly beseech the King and Parliament to be enformed, that it is greatly to bee feared (if Prelacy bee Oligarchie) that the Prelates will endeavour, to transerre that manner of government, from the Church unto the Common-Weale. And that the Common-Weale shall as miserably be rent, and torne, with factions and uproares, as now the Church is disquieted by schismes and divisions. For if onely a few of the richest and welchiest sort, shall get an head, and beare all the sway in the Common-Weale, they shall think by the Principles and reasons of Oligarchie, that they have in jury, if they have not as much to doe in civill matters, as the Prelates have to doe in the matters of the Church: And what hereof may follow, as the Admonitor leaveth, so doe I also leave it to the judgement of other. Only if the way hereof already hath beene troden out unto them, by some who have not written, nor spoken, but yet practised the principles and reasons of Oligarchie in the Common-Weale, onely then this I say, and adde as a Caveat, that the danger to come, is more heedfully to be prevented. For like as in good harmony (to make the Musicke perfect) is required a moderate, and proportionate inequality of voices; which, if it too much exceed, taketh away all the sweet melody, so by too much immoderate inequality, or disparitie of Citizens, the Common-Weale falleth to ruine. But why may not the Government of the Church by Prelacie, be a Princely and a Royall Government? Indeede this question, if it should be resolved, by the Rules and Principles of the Canon Law, I could hardly disprove that government to be Princelike: for, (as hath been said before) *quilibet Ordinarius in Diocesi, est major quolibet Principe*. Yea and every Bishop, by the same Law, hath as absolute a spirituall power, within his Dioecesse, as a King hath a temporall power within his Kingdome. But because that Law with

It is to be feared least (by the example of Prelates) Oligarchie be brought in the common-weale

A caveat against Oligarchie.

The government of the Church by Prelacy, is not Monarchicall.





shall be called, there is no manner of cause to dislike of the planting of that government in a Monarchy, because the same is instituted by the Monarch of Monarches, who is able, and ready, to uphold the state of all Monarchies in Common-Weales, together with the state of *Aristocracie* in his Church: Neither is there any cause for any Monarch in the world, to feare the making of Christian common people, by familiar experience, to have the sense and feeling of the principles and reasons of *Aristocracy*.

No cause for a Monarch to feare, that his Christian subjects should have the sense of *Aristocracy* in Church government.

For if a people have once submitted their neckes to the yoke of Christ, they can live a peaceable and godly life, under all kinds of powers, because they know all kind of powers, to be the ordinance of God: But especially, there is not, neither ever was, neither ever can there be, any cause for any King or Monarch of England, greatly (as the Admonitor insinuateth) to feare, that the common people, will very easily transerre the principles, and reasons *Aristocracie*, to the government of the Common-Weale; and thereupon be induced to thinke that they have injury, if they have not as much to doe in civill matters, as they have in matters of the Church, seeing they also touch their commoditie and benefit temporally, as the other doth spiritually: And certes it seemeth that the Admonitor was drawne very dry of reason, when hee was faine to plucke this stake from the hedge, to make a fire, and to kindele the wrath of the Magistrate, against the forme of Discipline, by Pastors and Elders. For whether hee intendeth that the Pastors and Elders will thinke themselves to have injury, if they deale not in all causes of the Common-Weale, as well as in all causes of their Churches; or whether hee meaneth, that the common people, will easily transerre, the government of the Common-Weale, from a Kingly *Monarchie*, to a noble *Aristocracie*, there is neither foolishnesse nor soundnesse in his reasoning. For sithence the Leaned Ministers against the reverend Bishops by the holy rules of our faith, maintaine that it is not lawfull for a Minister of the Gospel, to exercise civill Magistracy, and that it is not lawfull for the man of God, to bee intangled with the affaires of this life; how is it probable, that those Ministers, will easily oppugne their owne knowledge, by their owne contrary practice? Or how is it probable, that they would overleade themselves with that burthen, to ease the Church whereof they have consentedly exposed themselves into a number of reproches, contempts, bytings, and persecutions? As for that other intendment of the Admonitors, that it is greatly to bee feared, that the common people will easily transerre Monarchy, unto *Democracie*, or *Aristocracy*,

Pastors disclaime to deale in civill matters

The people  
of England  
have their  
wits exerci-  
sed with the  
sense of De-  
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Aristocracy

if the principles and reason thereof, by experience, were made fa-  
miliar in their minds: this reason (I say) might seeme to carry some  
shew of affrighting a Monarch, if the same were insinuated unto a  
King, whose people were never acquainted with the Principles and  
reasons of Democracy, or Aristocracy: but this feare being insinua-  
ted unto our late Sovereigne Lady the Queene, whose people ever  
since the time they first began to be a people, have had their wits long  
exercised, with the sense and feeling, of the reasons and principles,  
as well of *Democracy*, as also of *Aristocracy*, what sense had the  
Admonitor to urge this feare? That in the Kingdome of England,  
the common people have already the sense and feeling of the reasons  
and principles of Democracy cannot be denied. For in every cause  
almost, as well of criminall, as civill justice (some few only excep-  
ted) to be executed in the Common-Weale, by the common lawes  
of the Realme, have they not some hand, and dealing in the same, by  
one meane or other? Nay which is more, have they not the sense and  
feeling of the making, and unmaking their own laws in Parliament?  
And is not their consultations in Parliament, a meere Democrittall  
consultation? As much also there is to be avowed, for the sense, and  
feeling of the reasons, and principles of *Aristocracy*, to be already in  
the minds of the Peers, the Nobles, the Judges, and other great men of  
the Realme. For are not the Wissest, the Noblest, and the chiefe-  
st taken out of these, by the King, to be of his Counsell, and to be Judges  
and Iusticers in his Courts? Yea, and is not their Assembly also in  
Parliaments, a meere Aristocraticall assembly? And what transla-  
tion then is there greatly to be feared, out of the Church to be made in-  
to the Common-Wealt, when the minds of all sorts of our common  
wealthes-men, be already seasoned, with the things which hee fea-  
reth? And when the Common-Weale is already seized of the Prin-  
ciples and reasons, which he would not have familiarly knowne unto  
it? Wherefore that the King, the Nobles, and Commons, may no  
more be feared, with the strangeness of these unevn, and unknown  
Greeke names, of *Democracy*, and *Aristocracy*, written in his booke  
with great and Capitall Letters; I have thought it my duty, by these  
presents to informe them, that the government of the Church by Pa-  
stors and elders now wanting amongst us, and desired to bee brought  
into the Church, by the Sovereigne authority of our King, Nobles,  
and Commons in Parliament (for the outward forme and man-  
ner thereof) is none other manner of Government, nor forme of  
politic, than such as they, and their Progenitors and Ancestors,  
for many hundred yeares together, without interruption have used  
and

and enjoyed in the Common-Weale. And that therefore it will be a very easie matter, to transerre the same, to the government of the Church. For by the reasons and principles of their owne government, in the Common-weale, and by the sense, and feeling thereof, they may well bee induced, to thinke, that they have injury, if they have not as much to doe in matters of the Church, as they have to doe in matters of the Common-Weale, seeing they touch their commoditie and benefit spirituallly, as the other doth temporally. And withall on the other side, I shall doe my best endeavour, to aduertise them, that the government of the Church by Prelacy, is such a manner of Government, as was never yet in the administration of justice by any subject (no not touching the outward forme thereof) once admitted into any part of Common-Weale: and that therefore the same (if it may please the King) will very easily bee sent, and transmarined unto Rome, whence it first came, and where it had it origiall and birthright. And to the end, that wee may clearly discerne, whether the nature of the Government of the Church by Prelacy, or the nature of the Government, desired to be planted by Pastors and Elders, be more agreeable to the nature of the policy, received and used both by the Nobles, and common people, in the Common-Weale; it is necessary that the manners and formes, both of Prelaticall, and Pastorall Government, bee made familiar unto the minde of the Reader. And because wee have already declared, the manner of the election, and confirmation both of a Bishop, into his Episcopall See, and of a Minister, into his Pastorall charge; what the one is by the Law already established, and what the other, by a Law desired to be established, ought to be, wee will not any more speake of their entrance, into either of their places, unlesse onely (a little to recreate the Reader) we merely note what answer some Bishops have made, when as long chafing after Bishoprickes, they have chafed in their mindes, for feare of losing their prey: as was the answer of that Italian Bishop, who being thrice demanded of the Archbishop, (as the manner is) *vis Episcopari?* *vis Episcopari?* and being willed by one standing by, thrice againe to answer (as the manner is) *nolo, nolo, nolo*. Hee making no bones at the matter, answered aloud with an oath, *Proh Deum, dedine ego tot millia Florentinum, pro volo Episcopari*. Or *jam debes dicere nolo?* or as was the answer of that English Bishop, who having promised a Courtier one annuities of twenty pound, during his life, out of his Bishopricke, if hee could procure the speedy sealing of his congedeliet: within a while after,

The manner of Policy, by Pastors and Elders in the Church, is agreeable to the government in the common weale. The government of the Church by prelacy, disagreeable to the government used in the common weale.

The answer of an Italian Bishop, loth to lose his Bishopricke.

The answer of an English Bishop, having obtained his congedeliet

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stice in the  
Church, by  
Prelacy.

when it was sealed, he sapt out an oath, and swore by Iesus God, that the same Gentleman had done more for him, than an other great Courtier, who before hand, for that purpose, had received from him one thousand markes: But whether all Bishops buy their congedeli-ers dearer, or better cheape, is not a matter incident to this treatise; only if they buy deare, they may happily thinke with themselves, that they may sell deare, *vendere iure potest, emere ut ille prius*, letteth not any price upon any wares in the Royall Exchange. But to returne to our purpose, whence by occasion of those Bishoply oathes and answers, we have a litle digressed: let us see what is the manner and forme, of the administration of spirituall justice, in the government of the Church, by Prelacy, as the same is ordinarily administered, in all places throughout the Church of England. Wherein that wee be not mistaken, it is to be understood, that the manner of administration of justice, whereof we speake, is that administration of justice only, which respecteth the punishment of crimes Ecclesiasticall to bee inflicted by spirituall censures. In all which cases, penances, suspension, and excommunications, in the Bishops consistory, proceed from the judgement, and authority of the Bishop alone, if he be present, or from the sentence and power of his Vicar generall, or Commissary alone, and if he be absent: Nay doubt not every such censure likewise in the Archdeacons consistory, proceed from the sole authority of the Archdeacon? or if hee bee absent, from the sole authority of his officiall? But if the like course of the execution of Justice as this is, cannot bee found, to bee an ordinary course of Justice, in the Common-Weale, where Justice is administered in criminall causes, by the Ministry of a Subject: I would faine learne, what prejudice may bee feared to redound unto the Common Weale, if the administration of spirituall Justice (after a sort) were established, to bee after the same manner in the Church, after which civill Justice is already practised in the Common-Weale. I said after a sort, to this end, least I should bee mistaken. For the meaning is not, that spirituall Justice should be ministred exactly, in every respect, after the manner of civill Justice, but the comparison standeth onely in this; that, as not any one temporall Subject alone hath authority to heare, to examine, and to judge any one criminall cause, in any Court of civill Justice, in the Common-Weale; so likewise that any one spirituall person alone should have authority, to be examiner and judge of any one criminall cause in any Court of spirituall Justice in the Church. For if certaine principall and godly persons, associated unto a learned and zealous Pastor, in the pre-  
sence,

No one sub-  
ject in the  
Common  
Weale, can  
alone exer-  
cise civill  
justice, in  
causes cri-  
minall.

tence, and with the consent and authority of the people of every Parish, did enjoyne penance, suspend, or excommunicate a spirituall offender, were not this forme of administration of spirituall Iustice, more consonant, agreeable, and conformable, to the daily execution of civill Iustice in the Courts of the Common-Weale, than is the administration of spirituall Iustice, by the Bishop alone, or by his Vicar generall alone, in his Consistory? and to make this matter more familiar in the mind of the Reader, for an instance or two let us suppose, that Master Doctor *Bancroft* Parson of *S. Andros* in *Holborne*, had chosen Master *Harfust* to be his Curat, and withall that Master *Dodge*, Master *Mercury*, Master *Flower*, and Master *Brinker*, (all chiefe attendants on his late great Lord and Master) were inhabitants within the same Parish, and that the chiefe men, of the same Parish, had chosen those to be assistants to him, and to his Curat, for the inquisition of the demeanours of all the Puritans and Precisians within his Parish; let this (I say) be supposed, would not hee, and they (I trow we) thinke it a high scorne, and an indignitie to be offered unto their Masterships, in case it should bee insinuated, that Master Doctor *Stanhope*, were better able, with one little blast of breath upon a peece of paper, to blow away all Puritanisme, out of the Citie and Diocesse of *London*, than these great Chapleins, and discreet Gentlemen; with their thunderings, and with their lightnings, were able to fright the same out of one poore Parish in *HOLBORNE*? And againe, to make this matter yet a little more familiar to the minde of the Reader, let us suppose againe, that this deserving Master *Merbury* now Lecturer in the Church of *Saint Mary Overis*, were Pastor of the same Church, and had, to be his assistants in the Ministry, but simple M. *Butterson*, and that they two, for the Elders of the same Church, to be chosen by the Parish, had such, and such, and such men, lovers of all honesty and godlinesse, and enemies unto all dishonesty, and ungodlinesse; could not these learned and grave Ministers, with the assistants of such wise and godly Borough-Masters, bee as well able, to reforme Papists, Atheists, Swearers, prophaners of the Sabbath, drunkerds, adulterers, and such like, within the Borough of *Southwarke*; as is Master Doctor *Ridley*, to bring to any good amendment of life, all such kind of persons, within the whole Diocesse of *Winchester*? If the examination and judgement of all theeveries, pickeries, burglaries, robberies, murders and such like, were committed to Master Doctor *Ridley* alone for the Diocesse of *Winchester*, and to Master D. *Stanhope* alone for the Diocesse of *London*, were it not like, that  
for

The administration of spirituall Iustice, by pastors and elders, agreeable to the execution of civill justice in the Common-Weale. Master D. Bancroft, what his assistants Letter, able to repress puritans in one parish, D. Stanhope, alone to repress all in a Diocesse.

Matters in  
Leets and  
Lawdayes  
not overru-  
led by one  
alone.

Breaches of  
the Kings  
peace, not  
punishable  
by one a-  
lone.

Iustice in a-  
ny of the B.  
Courts, is  
not execu-  
ted by one  
Iudge alone

for one such malefactor, as there is now, we should shortly have an hundred? And therefore to hold us still to the poine in question, it is very plaine and evident, that this manner of spirituall justice, mentioned to be executed, by the Pastors and Elders, is more correspondent to the administration of civill justice, in the Common-Weale, than is that manner of the execution of spirituall Justice, by Doctor *Stamhope*, or Doctor *Ridley*; by the Bishop of *London*, or by the Bishop of *Winchester*. For to begin with our meaneit, and basest Courts, let them shew unto us, any Court, Leete, Law-dayes, or Sheriffes turnes, within any County, City, Towne, Borough, Village, or Hamblet within the Realme, wherein matters of civill justice are heard, examined, and adjudged by one man alone. If for the common benefit of the Tenants against incroachments, over-laying of commons, wast, nuisances, or such like, any paine is to bee offered, or presentment made, the same is not set or made, by the Steward, Sheriffe, or other Officer alone, but by the common voyce and consent of all the homagers, and sutors to the Court. The Steward indeed is the director, and moderator of the Court, the giver of the charge, and the mouth of the whole Assembly, to pronounce and enact the whole worke of their meeting, but hee is not the onely inquisitor, the presenter, the informer, or the Judge, to dispose all things according to his owne discretion. Besides, matters of the Kings peace, are not committed in any Countie, or other place within the Realme, onely to one Justice of the peace alone. For neither at the generall Sessions of the peace, nor at any other lesse publike meetings, any person, for any offence, (whereof hee standeth indighted, or for which hee is punishable) can bee fined, amerced, or bodily punished, at the discretion of one Justice alone, but by the greatest part of the Iustices assembled, his penaltie is to bee imposed upon him. Furthermore, this manner of the examination of the fact, and declaration of the Law, for the tryall of the fact, and judgement of the Law, doth not reside in the brest of one Iuror or Iudge alone. In the Court of the Kings Bench, if a Prisoner hee brought to the Barre, and confesse not the Crime, by the Iustice of that Court hee can receive no judgement, unlesse hee bee first indicted, by inquisition of twelve grand Iurors at the least, and afterward againe bee tried by other twelve brought judically into the Court face to face. Yea and in this Court, neither the interpretation of the common Law, nor the exposition of any statute dependeth upon the opinion, credit, or authority of one Iudge, or not of the Kings chiefe justice him-



selfe alone; for his other three brethren and Co-juges; varying  
 from him in point of law, may lawfully over-rule the Court.  
 The same manner of Judgement, for the Law is in use, and is practi-  
 zed by the Judges, in the Court of common Pleas, and by the Ba-  
 rons of the Exchequer in the Latin Court of the Exchequer. And not  
 only in these Courts of law and Justice, but also in all the Kings  
 Courts of equitie and conscience; it is not to be seene that any one  
 person alone, hath any absolute power, without assistants, finally to  
 order, judge, and decree, any cause appertaining to the jurisdic-  
 tion of those Courts. In the Court of Requests, there are not few-  
 er than two, yea some times three, or foure, with Master of Re-  
 quests in commission, to heare and determine matters of equitie in  
 that Court. In the Court of Wards and liveries, there sitteth not  
 only the Master of the Wardes, but also the Kings Attourney, the  
 Receiver, and other Officers of the same Court. In the Court of  
 the Exchequer-chamber, with the Lord Treasurer (who is chief  
 and president of that Councell) yet with him as assistants, doe  
 sit the Chancellour of the Exchequer, the Lord Chief Baron,  
 and the other Barons. Whatsoever decree finally is made in the  
 Kings high Court of Chancery, the same is decreed, not by the  
 Lord Chancellour alone, But by the Lord Chancellour, and the  
 high Court of Chancery: wherein the Master of the Roles, and  
 the twelve Masters of the Chancery as coadjutors, doe sit and give  
 assistance. In the most honourable Court of Starre-Chamber, the  
 Lord Chancellour, the Lord Treasurer, and the president of the  
 Kings most honourable Councell, and Keeper of the Kings privie  
 Seale, or two of them, calling unto them one Bishop, and one tem-  
 porall Lord, of the Kings most honourable Councell, the two  
 chiefe Justices of the Kings bench, and Common pleas for the time  
 being; or other two of the Kings Justices in their absence, have full  
 power and authoritie, to punish, after their demerits, all misdoers  
 being found culpable before them. If we search our statutes (besides  
 the Courts, and matters determinable in these spoken of before)  
 we shall finde, that the complaints of error, whether it touch  
 the King, or any other person, made in the Exchequer, should be  
 done to come before the Chancellour, and Treasurer, who taking  
 to them two Justices, and other sage persons, are duely to examine  
 the businesse; and, if any error be found to correct and amend the  
 Roles, &c. By reason of delayes of judgements, used in the Chan-  
 cery, in the Kings bench, common bench, and in the Exchequer, it  
 was assented, established and accorded, that a Prelate, two Earles,

In the  
 Courts of  
 Equitie  
 are many  
 assistants.  
 Court of Re-  
 quests.

Court of  
 Wards.

Court of  
 the Exchequer  
 Chamber.

High courts  
 of Chancery.

Court of  
 Star-cham-  
 ber, 3 H. 7  
 c. 1. & 2. H.  
 8 c. 20.

31 E. 3 c. 21.

14. E. 3 c. 5.

10 K. 2 c. 1

26 H. 6.

b 11 H. 7 c.

25.

c 19 H. 7 c.

7.

d 27 H. 8 c.

27.

e 32 H. c.

45.

f 27 E. c. 8

Lord presi-  
dent, and  
councell in  
Wales.

Lord presi-  
dent and  
councell in  
the North  
parts.

Lord Deputie  
& coun-  
cell in Ire-  
land.

The King &  
his honou-  
rable privie  
Councell.

The King  
and his  
grand coun-  
cell in Par-  
liament.

and two Barons chosen by the Parliament, by good advice of the Chancellor, &c. shall proceed to take a good accord and to make a good judgement. When it was complained unto the King, that the profits &c. of his Realme by some great Officers, &c. were much withdrawne and eloynded, &c. it pleased the King, &c. to commit the surveying, as well of the estate, of his house, &c. unto the honourable Fathers in God, William Archbishop of *Canterburie*, and Alexander Archbishop of *Yorke*, &c. by a statute of commision for Sowers: by a statute for punishment of perjurie: by a statute against making or executing of acts, or ordinances, by any c Masters, being not examined; &c. by the Lord Chancellor, Treasurer, or chiefe Justices, &c. By a statute for the erection of the Court of d Augmentation: by a statute for erection of the Court of first e fruits and tenths: and lastly by an f act for redresse of erroneous judgements in the Court commonly called the Kings bench: By all these Statutes (I say) it is very apparant, that the Administration of publike affaires, in the common weale, hath never bene usually committed, to the advisement, discretion, or definitive sentence, of any one man alone. Which point is yet more fully, and more perfectly to be understood, by the establishment, and continuance, of the Kings Lord President and Councell of *Wales*; of the Kings Lord President and Councell established for the *North*; of the Kings L. Deputie and Councell within the Realm of *Ireland*; of the K. highnesse most honourable privie Councell, chosen by him for the assistance of his Royal person, in matters appertaining to his Kingly estate; and lastly of the supreme and grand Councell of the three estates in Parliament, for matters concerning the Church, the King and the common weale. For whether respect be had unto the secret affaires of the Kings estate, consulted upon in his Highnesse Councell Chamber, by his privie Councillers, or whether we regard the publike tractation of matters in Parliament, there can be no man so simple, as not to know, both these privie and open negotiations, to be carried by most voices of those persons who by the K. are called to those honourable assemblies. And what a vaine jangling then doth the Admonitor keepe, and how idely and wranglingly doth he dispute; when against the government of the Church by Pastours and Elders, hee objecteth, that the same will interrupt the lawes of the Realme: that it will bee great occasion of partiall and affectionate dealing, that some will incline to one parte, and that the residue will be wrought to favour the other; and that therefore it will be a matter of strife, discord, schisme and heresies? How-  
beit

beit if never any of these extremities and dangers, have fallen out in the common weale, by any partiall or affectionate dealing of the Kings Deputies, Presidens, Judges, Justicers, and other Officers and Ministers, associated unto them for the administration of Justice, or equitie in any of the Kings civill Courts; how much lesse cause have we to feare any partialitie, affection, working inclination, favour, strife, debate, schismaticall or hereticall opinions, if once Pastours and Elders in every Congregation, and not throughout a Diocesse one Bishop alone, had the spirituall administration of the Church cause? Can many temporall Officers; Justicers and Judges, rightly and indifferently administer the Law, and execute justice and judgement, without that, that some doe incline to one part, and without that the residue be wrought to favour the other part? And cannot spirituall Officers dispatch spirituall affaires, without that, that they be partially and affectionally disposed? What? is it so easie a matter that the Ancients of God, and the Ministers of Christ, can the one part incline to righteousness, and the residue be wrought to favour wickednesse? can some incline to God and unto Christ; and can other some be wrought to follow Satan and Antichrist? For what other controversie, is required to be decided by Pastours and Elders, than the controversie of sin, between the soule of man, and his God? And is there any Christian Pastour or Elder, that will be wrought, rather to favour the sinne of a mortall man, than the glory of his immortall God? But to leave the state of the kingdome and common weale, and the good usages and customes of the same; let us come to the state of the Church it selfe, and to the lawfull government thereof, established even amongst us at this day.

For whatsoever our Reverend Bishops practise to the contrary, yet touching ordination and deposition of Ministers; touching excommunication and absolution; touching the order and rule of Colleges, Cathedral Churches and the Universties, the Ecclesiastical law doth not commit the administration of these things, and regiment of these places to any one person alone. The Universties admit not the government of the Chancellour being present, nor of his Vice-chancellour (himselfe being absent) as of one alone; the Doctors, Procurators, Regents, and non-Regents, have all voices, and, by most of their voices, the Universtie causes take success. The businesses of Colledges, by the statutes of their founders, are commended to the industrie and fidelitie of the President, Viceprovost, and Fellowes; unto the Provost and Viceprovost, and Fellowes; unto the

The government of the Church, ought not to be by one alone.

The government in the Universties not by one alone. The government in Colledges not by one alone.

The government of Cathedral Churches not by one alone,

Ex de excef. Prela. c. 2.  
Exc. de huius quæst. conf. cap. c. novit

Whether the degradation of a Minister be warrantable Monsieur de Hefis 164. in the 2 book of the Masse,

The ecclesiasticall Commission exercised by many commissioners, and not by one.

The ecclesiasticall Commission commanded by the Bishop if it please the King may be enlarged unto all parishes wherein are godly preaching Ministers,

the Warden, Sub-warden, and fellowes; unto the Master and fellows; and unto such like Officers and fellowes. The Cathedrall Churches, their livings, and their lands, their revenues and their dividends, their Chapiters, and their conferences, depend upon the will and disposition of the Deane and Chapter, and not of the Bishop alone. Neither can the Bishop alone, by any ancient canon law (pretended to be in force) place, or displace, excommunicate, or absolve, any Ecclesiasticall person, without the judgement of the Chapter. And as well by a statute, 21. H. 8. c. 13. as also by the booke of consecrating Archbishops, &c. the presence of divers Ministers, and the people is required, at the ordination of every Minister. As for the deposition, or degradation of Ministers (under the correction of the reverend Bb. be it spoken) I think, they have not so much as any colour of any law for it. The form of the degradation of a popish and sacrificing Priest, by the Canon law can be no pretext to degrade a Minister of the Gospell, because a Minister of the Gospell is not set into his charge, *per calicem, & patinam*, with a cup full of wine, and dish full of hostes: neither receiveth hee any character at all of a shaveling priest. And because a Minister of the Gospell, is ordained only after that manner, which the statute law hath appointed, how should the ordination made by so high an authoritie, be undone by any other power? unto the former manners, of the administration of the causes of the Vniversities, Colledges, and Cathedrall Churches, may be added the execution of Ecclesiasticall jurisdiction, committed heretofore by the Queen unto the Ecclesiasticall Commissioners. For although by the words of the statute, her Highnesse had full power, and authoritie, by her letters patents, to assign, name, and authorize, any one person, a naturall borne subject, to execute spirituall jurisdiction; yet nevertheless, according to the laudable usages, and customes of her Kingdome, and courts temporall, she evermore authorized, not one alone, but divers and sundry, as well temporall as Ecclesiasticall persons, for the execution thereof. Which manner of commission, because the reverend Bb. commend the same, and avow that it would do more good, if it were more common, it cannot but seem to be a most gratefull thing, unto all good men, especially unto those reverend Fathers, if humbly wee beseech the king, that his highnesse would be pleased, to make it more common. And therefore in the behalfe as well of the reverend Bb. as of all the learned and grave Doctors, and Pastours of every Church, we most instantly intreate our most gracious Sovereigne Lord the King, that, where in any parish there shall bee found a learned preaching Minister, resident

derit upon his benefice, that there be would be pleased by his authoritie royall, under the broad Seale, to enable him, and some other godly and faithfull Knights, Esquires, Gentlemen, Citizens, Borough-masters, or other chiefe men of the same parish, to execute spirituall justice against drunkards, adulterers, swearers, railers and such like ecclesiasticall offenders, inhabitants only within the same parish. For in this case we say, as the reverend Bishops say, *bonum quod communius, comminus*. If any exception should be taken, or challenge made scoffingly, and with scornfull termes, against these lay parochians, as hereto fore hath beene used, against lay-Elders, or lay-Aldermen (as they call them) let him that taketh such exception, advise himselfe well, and remember before he speake, that in speaking he controule not the policie, the practice, the wisdom, and the authoritie of our late Queene deceased, and of our Sovereigne Lord the King now reigning; who authorized, and doth authorize lay men to bee Ecclesiasticall commissioners. Which kinde of lay men, or lay Elders (as they call them) that they have joyned in the exercise of the chiefest censure of the Church, *viz.* excommunication, with Ecclesiasticall persons, hath beene already proved, by the sentence of excommunication pronounced against E. by Master W. and his associates, whereof divers were lay men. Again if one lay Elder dwelling at Winchester, may call and associate unto himselfe, one Ecclesiasticall Elder, dwelling at S. Georges in Southwarke, to excommunicate any parochian or Minister subject unto the Archdeacon of Surrey, in what parish soever of the same jurisdiction the partie shall dwell: if it be lawfull (I say) for every Ordinarie to joyne one lay Elder, and one Ecclesiasticall Elder together in commission, the one to pronounce sentence of contumacie, the other to denounce sentence of excommunication, for every spiritual contumacie, committed within his jurisdiction; what reason can any man pretend, why it should not be much more lawfull, for the King by his Royall authoritie, to appoint a learned, and preaching Pastour, with the assistance of some companie of faithfull inhabitants of the same parish, to exercise all manner of spirituall justice within their owne parish?

If the King shall stand in doubt, whether any Discipline by excommunication bee exercised, after this and this manner, in the Church of England, then to put his highnesse out of all doubt hereof, may it please the King to consider the precept of the reverend Bishops made in their convocation; together with the practice of the venerable Archdeacon of *Surr.* following; The precept is this;

*Vnus-*

No exception to be taken against lay Elders, to be authorized by the king in every parish; hence the King authorizeth lay-Elders, in ecclesiasticall commission.

Discipline of excommunication exercised by one lay Elder and one Ecclesiasticall Elder.

Articulo  
pro Clero c.  
de huius-  
dam circa  
excom: ex-  
cessibus coer-  
cend. 1584

D. Hone  
practice of  
the Bishops  
article.

*Unusquisque Vicarius generalis, Officialis, seu Commissarius, qui ordines ecclesiasticos non susceperis, eruditum aliquem presbyterum, sibi accerset, & associabit, qui sufficienti autoritate, vel ab ipso Episcopo, in jurisdictione sua, vel ad Archidiacono (presbytero existente) in jurisdictione sua munus, idque ex prescripto iudicii tunc presentis, excommunicationis sententiam pro contumacia denunciabit.* Every Usher generall, Officiall, or Commisarie, which hath not taken upon him ecclesiasticall orders, shall call and associate unto him some learned Presbyter, who being armed with sufficient authoritie from the Bishop in his jurisdiction, or from the Archdeacon, being a Presbyter in his jurisdiction, shall denounce, and that by the prescript of the judge present, the sentence of excommunication for contumacie. Now the manner of the practice of this precept, ensueth in these words: *Johannes Hone, legum Doctor, Officialis venerabilis viri domini Archidiaconi Surr. omnibus & singulis rectoribus, &c. salutem.* Cum nos rite & legitime procedentes, omnes & singulos quorum nomina, &c. in non comparendo coram nobis, &c. seu saltem in non satisfaciendo mandatis nostris, &c. pronuncia verimus contumaces, ipsoque, &c. excommunicandos fore decreverimus. Cumque discretus vir magister Roul. Allen presbyter, eosdem omnes & singulos subscriptos, ex officio nostro excommunicaverit in scriptis, iussit in id exigente, vobis igitur committimus, &c. quatenus eos omnes, &c. sicut profertur ex officio nostro merito excommunicatos fuisse & esse, &c. palam denunciatis, &c. Datum sub sigillo officialitatis nostre, 19. Die Decembris, Anno Domini, 1587. *John Hone* Doctor of the Lawes, Officiall of the venerable man, and Archdeacon of Surr. to all and singular persons &c. greeting: Whereas we, otherwise rightly, and lawfully proceeding, all and singular whose names are underwritten, in not appearing before us, or at least-wise, in not satisfying our mandates, have pronounced contumacious, and decreed them to be excommunicated: And whereas also the discreet man *M. Rowland Allen* presbyter, one of our office, hath excommunicated, all and singular under written, justice so requiring, wherefore wee charge you that openly you denounce, and declare them, and every of them, so as aforesaid out of our office to bee excommunicated. Given under the seale of our officialtie. The 19. day of December. 1587.

By this practice, it doth appeare, that Doctor *Hone* and *Rowland Allen* canvassed many poore men very piteously, and that this poore curate *Rowland Allen*, had a warme service, to attend upon *D. Hone*, and to jerk those, whose points soever hee shall unke.

But



But because this precept, was an article concluded upon by the reverend Bishops in their convocation, and confirmed (as I suppose) by the Royall authoritie of our late Queene, wee will forbear, to speake what we thinke, might justly be spoken, against the incongruities thereof. Only this without offence, to the reverend Bishops, wee may safely demand: sithence every ordinarie, whether he be a Bishop, or a Presbyter, by this article of their owne device, hath such an absolute power, resiant in his person, as that thereby, thorowout his whole jurisdiction, he may thus commit, the execution of Discipline, by excommunication, partly to one lay person, and partly to one ecclesiasticall person, partly to a supposed spirituall elder, and partly to a Lay elder: sithence (I say) this is to; we may safely demand, what reason they can produce, to hinder the King, from having authoritie to command three, or foure, or (if occasion serve) five or six lay elders (as they call them) and one spirituall pastor, being a true spirituall elder in deed, all lawfully chosen ecclesiasticall Officers in the house of God, that they joyntly should not execute the discipline of Christ, *viz.* excommunication and other censures of the Church, in every parish within his kingdome? If it bee answered, that in this case, the Presbyter alone doth excommunicate, is it not, as if one should say, that the executioner doth give judgement when at the commandment of the Judge, he smiteth off the head, or casteth downe the ladder? or may not as much be said, for the execution whereof we speak, that the Pastor only should excommunicate, when by vertue of his office, with the consent, and not by the prescript of the elders associated unto him, he should declare and pronounce the partie to be excommunicated? but let it be granted that Rowland Allen, denounceth the lesson which is written in the paper, for him to read; yet it is cleare by the precept, that the same must bee done, by the prescript of Doctor Hone, Besides Doctor Hone, he citeth, he pre-cognizatesh the parties, and they being absent, hee pronounceth them *contumaciter absentes*, and in *poenam contumaciæ suarum hujusmodi*, decreeth them to bee excommunicate: and are not all these necessarie parts incident to the execution of discipline by excommunication? And how then can the Minister, bee said to excommunicate alone, when Doctor Hone of necessitie must play three parts of the foure; without all, or without any one of which parts, the excommunication by reason of a nullitie, is meereley voide? Againe, the Act being done, as it were *uno puncto, ac uno ballo*, and Rowland Allen, and Doctor Hone, having their

The K. hath as good right to command, excommunication, to be exercised by a Pastor & Elders, as the Bb. have to commit the same to a Curate, & one lay Elder.

their commission from the Archdeacon, *in solidum*, how can their judgement be divided? Furthermore, to say that *Rowland Allens* doth excommunicate, by the authoritie of Doctor *Horne*, were to overthrow the intendment of the article: Because by the scope of the article, it is plaine, that the presbyter, to be associated to the officall, must only derive his authoritie from one who hath taken Ecclesiasticall orders. But those orders Doctor *Horne*, never tooke, otherwis: *Rowland Allens* presence, had been unnecessary and superfluous. And therefore if the excommunication bee of any validitie, then is discipline, by excommunication in the Church of England exercised, partly by our lay-Elder (as they call him) and partly by one Ecclesiasticall Elder; wherein againe, it is worthy the observation, for the matter we have in hand; that D. *Horne*, a meere lay and temporall man, hath authoritie from the Archdeacon, to call, and associate unto him, and to prescribe *R. Allen* a Presbyter, and an other mans hireling Curate in *Southwarke*, to excommunicate, not only the Parochians, of an other Pastors charge, but any other Pastour whatsoever, subject to the Archdeacons jurisdiction. And hath not the Kings highnesse then, as good right, as great a priviledge, and as high a Prerogative, to command Master Doctor *Andros*, or Master Doctor *King*, and lay Elders, by a lawfull election to be associated unto either of them to excommunicate either of their owne parishioners, for publike drunkennesse, or other notorious finnes, committed in their owne parish? For if it be lawfull, at the voice of a lay stranger, that an hireling and stipendiarie Curate, should chase an other mans sheepe out of his owne fold, how much more is it it lawfull, that a true shepheard, should discipline his owne sheepe, feeding and couchant within his own pasture and within his owne fold?

Furthermore touching the admittance of governing Elders, or lay Elders (as they call them) unto the Minister of every congregation, according to the former pattern of one lay Elder, that the same is not, a matter so strange, for lay men to bee joyned in this charge of ecclesiasticall government, as the opposites beare us in hand to bee: it shall not be amisse, to call unto their remembrances, one of our late Sovereigne the Queenes injunctions, whereby certaine lay persons, called overseers, were commanded, to be chosen by the ordinaries, in every parish, for the better retaining of the people in obedience, unto divine service. In every parish (saith the Injunction) three or foure discreet men, which tender Gods glory, and his true religion, shall bee appointed, by the Ordinaries, diligently to see

Lay men  
appointed  
by the  
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some part of  
discipline.

See, that all the parishioners duly resort, unto their Church, upon all Sundayes and holydayes, and there to continue, the whole time, of the Godly Service. And all such as shall be negligent, in resorting to the Church, having no great, or urgent cause of absence, they shall straightly call upon them, and after due admonition, if they amend not, they shall denounce them to the Ordinarie. Thus farre the injunction. Which, that it is not meant of the Church wardens, appeareth by the very next article; for unto them, as is assigned an other name, so also another office. That sidemen also, are not these kinde of overseers, is plaine; in that they be neither so many in number, as are here required, neither chosen by the Ordinaries, neither yet doe they admonish and denounce, according to this article. Wherefore because it is meet, that the effect of this injunction being religious, should be put in due execution, it seemeth a thing very reasonable, and much tending to the honour of the King, that his Highnesse under his letters patents would bee pleased to appoint three, foure, or more discreet and faithfull persons in every Parish, not only to performe the effect of this article, but also generally to oversee the life and manners of the people, that without great and urgent causes they resort not unto Typling-houses, or houses of evill note, and suspected fame; and that upon the Sabbaths, they use no heathenish dancing, about their disguised May-poles: And after due admonition if they amend not, to denounce them to the Pastor of the place. For then might the Pastor be encouraged, to give his faithfull diligence, as at the time of his ordination, he solemnly promiseth unto the Bishop, alwaies to Minister the Doctrine and Sacraments, and Discipline of Christ, as the Lord hath commanded; by which words inserted in the booke, there is a plaine and open confession made by all estates in Parliament, that Christ hath not only established discipline, but a certaine forme of discipline in his Church, and that the pastour to whom the care and charge is committed to teach the people, ought to minister the same discipline. For it had bene a very absurd part for the Parliament, to appoint the Bishop, to receive a promise from the Ministers, to minister the discipline of Christ, if Christ had not instituted a discipline; or that the same discipline, which he instituted, had not in their judgements belonged unto the Minister. And therefore this very letter of the booke convinceth the whole answer made unto the abstract, touching this point to be very erroneous, frivolous and impertinent, to the point in question: For whereas in the abstract it is alleged, that the Bishop by vertue of

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Priests.

Every Mi-  
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Christ in  
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cure, by  
consent of  
Parliament.

The Minister by promise bindeth himself to minister the discipline of Christ,  
page 55  
1a, c60

Repugnance  
is the answer to the  
abstract,

the order and forme appointed, by act of Parliament; bindeth the Minister, as well to Minister the discipline of Christ, within his cure, as the doctrine and Sacraments of Christ, as the Lord hath commanded, &c. herunto first he answereth, that these clauses doe not dispositively, ordaine any thing for discipline, as though the law meant, by authoritie hereof, to establish, that the order in these things, by the Realme received, should bee holden as agreeable to the Word of God, but must be taken enunziatively, to declare and affirm, that following the order by law established, they should doe agreeable to Gods will. But alas what repugnancie is there heard? for how can the law declare and affirme that the Ministers following the order by law established, shall doe agreeable to Gods will, if the order in these things, by the Realme received, should not (by the meaning of the law) be holden as agreeable to the Word of God? What? doth the law mean, that a man can doe agreeable to Gods will, in any thing, which is not agreeable to his word? or if the law have established, an order in the discipline, which is not agreeable to Gods word, shall the Ministers doe agreeably to Gods will, if they follow the Law? For the meaning of the Law is plaine, viz. that the Minister by vertue of his promise made to the Bishop, shall bee no further bound to Minister any Doctrine, Sacraments, or Discipline received by the Realme, unless the Realme have received the same, according to the commandement of God. For the Parliament having a religious consideration, that the Minister of Christ, must not have so much respect, what the law of the Realme, as what the Law of God commandeth, carefully provided for his indemnitie in this behalfe.

A frivolous  
comment  
upon the  
words of the  
book of ordaining of  
priests. &c.

Besides, what a frivolous comment, hath he made upon the words of the booke, when he saith, that these words of the Bishop, doe not dispositively ordaine any thing for discipline? When as the question is not whether the Bishops words, but whether the law and booke dispose any thing for discipline? For the Bishop being but a servant to the booke, and to the law, and one unto whose fidelitie the execution of the law and booke is committed; though he doe not by his words, dispose any thing of discipline; yet by his demand, he sheweth unto the Minister, that the office of the Ministration of Discipline, within his cure and charge, is committed unto him, and that by his ordination, his person is fully enabled, as well to minister the Discipline, as to preach the doctrine of Christ. And hereupon also falleth to the ground, his other answer, as wholly impertinent to the point in question. For where he saith, that the Law meant not, by

authoritie hercof, to establish that the order of these things, by the Realme received, should be *holden as agreeable to the word of God*; this (I say) seemeth wholly impertinent to the purpose of the abstract. For there is no such thing insinuated, to be intended by the statute: only the scope of the Authors drift, in that place seemeth to be this: *via.* That every Minister, by vertue of his promise, enjoyned by act of Parliament, to be made by him, and by the office of ministerie taken upon him, at the time of his ordination, hath bound himselfe, to minister the doctrine, sacraments and discipline of Christ, as the Lord hath commanded. And what then if the law, have not authorized, disposed, or established in particularitie, the order of these things, or if the Scripture have not delivered every ceremonie, forme, or circumstance, about these three things, shall not the Minister therefore, minister these, or any of these three things at all? And suppose, I pray you, that neither this, nor any other law, had in particularitie, appointed the ceremonie of the Crosse, the ceremonie of Godfathers, or any other ceremonie in Baptisme; or that the Law had not appointed the ceremonie of kneeling, or any other ceremonie, at the celebration of the Lords Supper, should not the Minister therefore, minister neither Baptisme, nor the Lords Supper, in the charge committed unto him? yes he should. And why: forsooth because he hath promised so to doe, and because the Lord hath commanded him so to doe. Besides, sithence every Minister, by vertue of his promise, and force of this law, is bound to teach the doctrine of Christ, to the people of his charge, notwithstanding he be not tyed by the law of the Realme, nor by the holy Scripture, to any rite, ceremonie, or circumstance, or to any exact forme, or particular manner in teaching, what reason can any man pretend, that the not particularising, of all rites, ceremonies, or circumstances, in the Scripture, or the not establishing of any order, by the law of the Realme, touching discipline, should altogether hinder every Minister, from the administration of all discipline in the Church: Foras touching the Answer, that the Ministers may, and doe exercise not the least parts of Discipline, of declaring by Doctrine, according to the word of God, mens finnes to bee bound and loosed, and the censure of rebuking and reprovng openly, and that the discipline which the Minister is to execute, reacheth no further, than to teach his parish, with all diligence to keepe, and observe so much of the Doctrine, Sacraments and Discipline of Christ, as appertaineth unto them, as touching this answer (I say) it is as erroneous, as the former were frivolous and

The answer to the abstract wholly impertinent to the point in question.

The new disposing in particularity, all rites and ceremonies of discipline, doth not hinder the exercise of discipline by the Minister.

Answer to the abstract pag. 50. Page 55.

Disc. of declaring by doctrine, is called discipline erroneously.

impertinent. For as consolation and comfort, by way of exhortation, so reproofe and sharpe rebuking, by way of dehortation, belong properly to that part of the Ministers function, which concerneth the binding and loosing of sinners by doctrine, and not by discipline, and is but an application of the doctrine to a wounded, or seared conscience. He therefore that leaveth no other discipline, to be executed by the Pastour of the Church, than of declaring by doctrine, mens sinnes to be bound, or loosed, and by teaching his Parish, to observe doctrine, sacraments, and discipline, confoundeth the matters both of discipline and doctrine. Again if not any other discipline, was meant to be attributed, to every Minister, than such as is declared by doctrine, then these words, *viz.* (and the discipline of Christ) were superfluously, and idly added by the Parliament. For then had it beene sufficient for the Parliament, to have enjoyned the Bishop, to demand of the Minister only this and no more: *viz.* whether will you give all faithful diligence, to minister the Doctrine and Sacraments of Christ? There is therefore some other kind of Discipline of Christ, intended by the Parliament, to be attributed unto every Minister, and wherewith also the law of the Realme doth enable every Minister, than is this manner of discipline of declaring by *doctrine and teaching the people*. And this discipline also must needs be understood, to be of the spirituall censures of the Church, because Christ never instituted any other discipline. And therefore because our opposites agree with us in a generalitie, that the doctrine, Sacraments, and discipline of Christ, are to be ministered as the Lord hath commanded only, and none other wise, and yet neverthelesse doe dissent from us touching the persons, by whome this discipline is to be ministered, because (say they) every particular ceremonie, rite, or circumstance of externall policie, are not set downe in Scripture, because of this their answer (I say) it is to be considered; First, unto what persons, the function of the ministration of the discipline of Christ, by the holy Scriptures is committed. Secondly, whether the same persons with their functions, bee arbitrarie, ceremonious, ritall, or circumstantiall to bee altered, and changed by authoritie of the Church, as things indifferent, yea, or no. To the first, seeing to one and the selfe same person, the holy Scriptures attribute these two names, Bishop and Pastor, thereby signifying what are the two duties, which belong to the same one person; and seeing also no one person by Gods word is called a Bishop or Pastour, in regard of his fellow brethren, the other Bishops or Pastours, but in regard of his

Discipline  
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The Parlia-  
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Answer to  
the abstract,  
55. 60.

To what  
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and whether  
the persons  
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rie or no,  
Phil. 1. 1.  
164. 55. 60.



owne flocke, which hee overseeth; and seeing also in well ordered Churches, by the Ordinance of God, certaine men of approved godlinesse (called according to the common name of the Hebrewes, by the common name of Elders, whom partly calleth Governors) were joyned as Ecclesiasticall Magistrates, to the Bishop, Pastor, or teaching Elder, by whose common direction, and authority, Ecclesiasticall discipline was practised; seeing (I say) these things are so, we affirme that the persons, to whom the ministration of the discipline of Christ, rightly belongeth, are the persons onely above specified and none other. And further we say if any spirituall Discipline, or power, which directly belongeth unto the Conscience, be ministred in the Church, by any other persons, than by those persons onely, that the same Discipline is not to be called the Discipline, but a meere probationation of the Discipline of Christ. For as it is unlawfull, for any person, to usurpe any part of the Bishops or Pastors office, which consisteth in spirituall teaching the word and administering the Sacraments; so is it also unlawfull for any person to usurpe any part of a Bishops, Pastors, or Elders office, which consisteth in spirituall rule and government. Whereupon it secondly followeth, that the same persons, with their functions, are not arbitrable, ceremoniall, rituall, and circumstantiall, as things indifferent to be altered, by the authority of the Church, but perpetuall, substantiall, essentiall, and as it were the very maine and fundamentall pillars, to uphold, and stay the House of God, from all spirituall sliding, and falling downe. And therefore from the execution of the Discipline of Christ, we seclude the persons of all humane Archbishops, humane Bishops, Suffraganes, Arch-deacons, Chancellors, Commissaries, Officials, and all Rowland Allens, because their persons together with their functions, are arbitrable, ceremonious, rituall traditionall, or circumstantiall, yea and removeable at the pleasure of the King and State.

Neither doth this disagree, from that which was erst said of a Bishop or Pastor, that they be all one, in respect of their function. For it is not said that an humane Bishop, and Pastor, but that a Bishop and Pastor are all one. For a Bishop simply so called, is not a Bishop, and Pastor, in respect of his fellow brethren, but only in regard of his flocke, which he overseeth, feedeth, and ruleth. But a humane Bishop is hee, that is promoted, unto this dignitie by man, and who by mans authority taketh upon him superiority, and preeminence over them which are equall unto him, touching their function, that intangleth himselfe with civill government, and worldly

1 Tim. 3. 11.

1 Cor. 12. 28.

The Discipline of Christ, pronounced, if the same be ministred by other persons, than the Holy Scriptures do appoint.

A Bishop, Pastor and Elder, and our Lord 3. differ.

what a Lord 3. is.

affaires, and whose Bishoply office consisteth not so much, in the dispensation of Gods Word and Sacraments, as in Lordly and Bishoply apparell, Crossing with the signe of the Crosse, confirmation of Children, sole imposition of hands, sole excommunication, sole enjoyning of Articles upon the people and Clergie of his Diocesse, consecration of Oratories, delegation of his Episcopall authority to his Suffragane Vigar generall, and principall officiall, and other such humane and Bishoply functions. All which are after the customes, precepts, and traditions of men. And albeit *D. O.* by vertue of the Queenes congedeliet, were chosen, by the Deane and Chapter of *Lichfield, in Episcopum, & Pastorem Ecclesia Lichfeldensis*, yet is hee never intituled with the dignity of being the Lord Pastor, but onely with the honour of being the Lord Bishop of *Lichfield*, so that one and the selfe same person being a Bishop, and a Pastor, may bee a Lord Bishop over Pastors, but not a Pastor, over Pastors. Whereupon it followeth, that the Pastorall authority, which he hath in common, with his brethren, the other Pastors of his Diocesse, is of superiority or preheminance, above theirs, and that touching the function, both of his, and their Pastorall cure and charge, there is a paritie betweene him and them, by reason whereof, hee can have no power over them; because *par in parem non habet imperium*. But why is it, that he can not be called *Pastor Pastorum Ecclesia Lichfeldensis*, Lord Pastor of the Pastors of the Church of *Lichfield*, and yet may be called *Dominus Episcopus Pastorum Ecclesia Lichfeldensis*, Lord Bishop of the Pastors of the Church of *Lichfield*? Why? but only for that there is custome, tradition, and the Law of man, for his Episcopall jurisdiction, and for that his pastorall function (if he have any) belongeth unto him in common, with his brethren the other Pastors, *jure divino*. The Bishop then having these two severall and distinct offices imposed upon his person, the one by divine, the other by humane Law, the one humane and Episcopall, the other without pomp, and pastorall; there ariseth from thence this question: by which of thole two functions hee may lawfully (I meane according to Gods Law) minister the Doctrine, Sacraments, and censures of Christ? If it bee answered, that it is lawfull for him, by vertue of his Pastorall office, to minister the doctrine and Sacraments; and by force of his humane Episcopall office, to minister the censures of Christ, then is not the answer fitted to the question, the same being made, *à bene conjunctis, ad male divisa*. For the censures of Christ, as well as the doctrine of Christ, being simply of divine ordinance, it must follow (if his Episcopall

The Lord Bishop of Lichfield is never honoured with the title of being Lord Pastor. Pastorall authority of a Lord Bishop and of other Pastors, is equal.

Whether a Lord Bishop minister the doctrine, Sacrament & discipline of Christ, by vertue of his lordly episcopall or pastorall office.

Episcopall power be onely of humane right, and pastoral power be onely of divine institution) that the censures may bee ministred by authority derived onely from man, but the doctrine and Sacraments, by power derived onely from God. Which commixtion of divine and humane right, in the execution of the ordinances of God, can no manner of wayes be sound, pure, and sincere, and therefore also can not be pleasing unto God. For no more can the censures of Christ, to the pleasure of God, be lawfully admittred, by the authority of any one whose function is of man, and not of God; than could the sacrifice of God, bee offered by one, who was a priest of man, and not of God. Now that humane Episcopality, or Bishop-pisme, in the Church of England, is authorized, and deduced from the power and Law of man, viz. of the King and Realme alone, is evident, as well by the donation and endowment of the Bishop-rickes founded by the Kingly Prerogatives of the Kings of this Realme, as by the erection and establishment of the new Bishopricks of *Chester, Gloucester, Bristol, Peterborough, and Oxford*, with their Cathedrall Chutches, Sees, Cities, moeres and bounds of those humane Bishops, for the exercise of their Episcopall administration, according to act of Parliament, authorizing the Kings Highnesse, to make Bishops by His Letters Patents. Nay further that humane Episcopall jurisdiction within the meres and bounds of every Diocese within England is merely of humane, and not of divine institution appeareth by that power and authority which the King hath in translating, and dissolving of Bishopricks, in conserving Episcopall jurisdiction, sometimes to such persons, as be no Bishops (as did *William the Conqueror*, when hee gave Episcopall power to the Abbot of *Battail*.) and lastly, by the very manner and forme of the nomination, licence of Election, and authority of investiture, confirmation, and consecration of Archbishops and Bishops, established by the more positive Law of the Realme. But if it bee answered, that the Bishop, by his humane Episcopall power, doth minister the Doctrine, Sacraments, and discipline of Christ, then is the case worse with him than it was before: because then not onely the Discipline of Christ, but also the doctrine and Sacraments of Christ, should bee ministred by that authority which is of humane institution. Besides, the answer should be untrue, because the Bishop at the time of his consecration, doth not receive any authority to preach the Word, and minister the Sacraments; (for that authority was then committed unto him, when first he was ordained to be a Presbyter:). But the authority which hee receiveth at the time of his

Lordly Episcopality authorized onely by the Law of the Realme.

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31. H. 8. c. 9

25. H. 8. c. 30.

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his consecration, is to correct, and punish such, as bee unquiet, disobedient, and criminous within his Diocesse. Whereby once againe is that confirmed, which was erst said, *viz.* That Episcopall power in England is not of divine, but of humane institution. Especially for that, by the Scriptures, it can not be proved, that there bee two severall and distinct formes of ordinations; the one called consecration, proper to a Lord Bishop, for the exercise of Discipline; the other called ordination, peculiar to a Pastor, or teaching Elder, for the ministration of the Word and Sacraments. Whereunto lastly may bee added another maine reason, that Episcopall power in England, to minister the Discipline, can not therefore bee of divine institution, because, if it were of divine institution, the Bishop could no more surrogate the same his Episcopall power to his Suffragane, to his Vicar generall, or *Rowland Allen*, to minister the censures of Christ in his owne name, than hee can depute them or any of them, to minister the doctrine and Sacraments in his own name. But how doth it appeare, that the Vicar generall, *Rowland Allen*, or any other Presbyter, did ever excommunicate by the power, or in the name of the Bishop? For the prooffe hereof we shall not need to search any other authentically record, then the precept, and the practice before intreated of. For it is not said in the precept, that the Presbyter, being armed with authority from Christ, but it is said, that the Presbyter, being armed with authority, from the Bishop, or Archdeacon, shall denounce the sentence of excommunication; the practice also of *Doctor Hone*, every way, confirmeth as much. For therein *Doctor Hone* doth not challenge to be an Officer unto Christ, but he saith, that he is the officiall of the venerable Archdeacon of *Surrey*; and that Master *Rowland Allen* Presbyter, by vertue of his office, doth excommunicate, the parties who obeyed not his mandates, who made not their appearances before him, &c. If it be answered that *Rowland Allen*, though he be not an immediate officer from Christ, that yet neverthelesse, he is a mediate officer, deputed to his office, by an immediate officer unto Christ, *viz.* the Lord Bishop, or Archdeacon: then wee reply, and say: First, that the Lord Bishop and Archdeacon, be neither immediate, or mediate Officers, appointed by Christ, to bee ministers of his discipline. Secondly, if they were immediate officers from Christ, that yet they have no authority by the Law of Christ, to transfer their right, or any part thereof, to an other person, in their name, or by their authority, to excommunicate. As for these words, *viz.* *In Dei nomine*, Amen: *nos Iohannes Hone*, or *nos Rowlandus Allen*, &c. sometimes used

used in their scedule of excommunication; it is but a prophaning of the holy name of God, whereby they make themselves guilty, of the taking of the glorious name of God in vaine. And thus much touching both the question and answer, whether the discipline of Christ, may be ministred, by the Bishops humane Episcopall power, yea or no. But now on the other side (becaule no divine censure, can lawfully be executed in the Church, by that authority which is of humane institution) if it be answered, that the Bishop, by reason of his pastorall power (which he is said, to have over all the Pastors and people of his Diocesse) may lawfully not onely minister the Word and Sacraments, but also the Discipline of Christ, unto them all; then it followeth, that by a Pastorall power, one Pastour, may bee a Pastour of Pastors, which is against the Scriptures, and contrary to the brotherly and fellow-like authority, which is common to all Pastors under the Sunne, and betweene whom, touching their Pastorall functions, there is to this day, by the Scriptures, as little superiority, and as great a paritie, as ever there was betweene Apostles, and Apostles; betweene Prophets, and Prophets; or betweene Evangelists, and Evangelists; and as at this day, there is betweene Bishops, and Bishops; betweene Archbishops, and Archbishops; or betweene Patriarkes, and Patriarkes: yea, and as is between Earles and Earles, Dukes and Dukes, Kings and Kings, Emperours and Emperours. For no greater superiority, or preheminance, hath any one Pastor, over the person or function of an other Pastour, touching the administration of any thing properly belonging to either of their pastorall functions, than hath one Emperour, over the person or function of an other Emperour; or one King, over the person or function of an other King; or one Lord Bishop over the person or function of an other Lord Bishop, or one Archbishop, over the person or function of an other Archbishop, or than had one Apostle, over the person or function of an other Apostle. Nay then hath one eye over an other eye; one hand over an other hand, one arme over an other arme, or one foot over another foot. And therefore if touching the functions which Pastors, either among themselves, have in common one with the other, or which they have over their flockes, there be no disparity, but that the Pastors, to whom small flockes are committed, doe as really, and as truly participate of the nature of true Pastors, as those great Pastors doe, upon whose great shoulders, great burthens are imposed; it behoveth great Pastors, to prove unto us, by the holy Scriptures, that by the institution of their great pastorall function, they have

Whether  
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Apostles.

their power so enlarged, as that thereby they may preach the Word, minister the Sacraments, and excommunicate: and that on the other side, the little Pastours, have their power by the institution of their perie pastorall offices, so streined, as whereby they may only preach the Word, and administer the Sacraments, but not excommunicate; it behoveth (I say) great Pastors, to bee able sufficiently to shew unto us these things out of the holy Scriptures: or else it seemeth to stand, with reason and equity, deduced from the same Scriptures, that a Pastor over a few, should have like power to teach, and to governe a few, as a great Pastor over many hath to instruct and to rule many. Marry, if they thinke, that onely great Pastors bee true Pastors, and that great powers spirituall, bee onely true powers spirituall; then let them also conclude, that onely great Knights be true Knights, that onely great Dukes be true Dukes, that onely great Kings be true Kings, and that onely great principalities temporall, bee true principalities temporall. Which conclusion if they shall judge, to be conclusionlesse; because King *Rebocnam* had as large a Patent, to feede, and to command two Tribes, as King *Salomon* his Father had to command, and to feede twelve; or as the Archbishop of *Torke* may suppose himselfe to have, over nine or tenne Counties, as the Archbishop of *Canterbury*, can have over nine and thirtie or fortie: then me thinketh it a matter, very reasonably of them to be confessed, that all true Pastors, whether they be great Pastors, or little Pastors, may lawfully exercise, all manner of such true power spirituall, as unto true spirituall Pastors by the holy Scriptures doth appertaine. For if Bishops, being great Pastors, may therefore preach, and minister the Sacraments, because they be as they say, true Pastors; then also may little Pastors, therefore excommunicate, because they bee, (as the Scripture saith) true Bishops. Wherefore, if the Lord Bishop of *London*, by vertue of his Pastorall office, (as he thinketh) which with his brethren the other Pastors of his Diocesse, he hath in common deriveth wroto him, immediately from the Word of God, may lawfully excommunicate: then the Pastorall office, which Master Doctor *Andrew* hath over the people of his Parish of *Saint Giles* without *Creeplegate*, and the Pastorall function which Master Doctor *White* hath over the people of *Saint Dunstons* within *Temple-barre*, being as absolutely, and as immediately, deduced unto them, out of the same word; what prooffe can bee made out of the word, that the Bishop being not Lord Pastour of the Pastours of his Diocesse, may lawfully by the word excommunicate, all manner of offenders both Pastors

and

Not only  
Kings of  
great king-  
domes, but  
also Kings  
of small  
kingdomes,  
bee true  
Kings.



and people, within his Diocesse; and yet nevertheless that neither Master Doctor *Andrewes*, and Master Doctor *White*, by the same word may excommunicate, any one of their Parishioners at all? Nay further, what reason can there bee afforded from the Law of God, that Master Doctor *Abbot*, Deane of *Winchester*, that Master *Brown*, Master *Barlow*, and diverse other Prebendaries, in the Church of *Winchester*, having certaine parochiall, and Pastorall Churches, annexed to his, and their Deanry, and Prebendes, and Master *D. Grey* in his Parish by their pastorall functions, should have absolute authority (unlesse it bee during the time of the L. Bishops trienniall visitation) to exercise the discipline of Christ, within their severall, and peculiar Churches; and yet notwithstanding, that neither Master *Richman* nor Master *Burden*, being both of them, grave, godly, and learned Pastors should have at any time, any pastorall authority, to exercise any censure at all? And as it is in the Church of *Winchester*, so is it in the Church of *Pauls*, in the Church of *Salisbury*, and in well nigh all the Cathedral, and Collegiall Churches, throughout the Realme. The Deane, Prebendaries and Canons, having certaine parochiall Churches exempted from the Bishop within their exempt and peculiar jurisdictions, by meere Pastorall authority (for Episcopall authority, by the Lawes of the Church have they none) may exercise all manner of spirituall censures; and that as well by their substitutes as by themselves. Nay, which is more, in *Cheshire*, *Lancashire*, *Yorkshire*, *Richmondshire*, and other *Northern* parts, there be many whole Deanries, exempted from the Bishops jurisdiction, wherein the Deanes and their substitutes, have not only the probate of Wills, and granting of administrations, but also the cognisance of Ecclesiasticall crimes, with power to use the Ecclesiasticall censures. Yea and this authority of the execution of Ecclesiasticall censures, have those Deanes, either long since by some papall priviledges obtained, or else by long use prescribed against the Bishops. Whereby againe, it is cleerely convinced, that Episcopall excommunication used in the Church of England, is not of divine Institution, but only by humane tradition. For were it of divine right, then could the same no more bee prescribed, or by papall immunity bee possessed, than could these Deanes prescribe power, or be enfranchised to preach the word or to administer the Sacraments.

Rural  
Deanes in  
Cheshire,  
&c. use  
some part  
of Episco-  
pall power.  
Episcopall  
power to ex-  
communi-  
cate gran-  
ted by pa-  
pall privi-  
ledges, or  
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use.  
Power to  
excommu-  
nicate, if it  
be of divine  
right, may  
not be pre-  
scribed.

These things have we thus at large and more fully intreated of, to the end that the Kings Highnesse, and His Parliament, and all sorts of people, might well understand, how it is not altogether, an un-

No more  
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nence given  
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ster, or to a  
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some places  
for the use  
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munication.

usuall and unaccustomed thing, in the Church of England, that private and inferior ministers (as they call them) in their owne right, and in their owne parochiall Parishes, without any authority from the Bishop, should exercise even the highest censure of the Church. And that in sundry places of the Realme there is no preminence in the matter of the execution of the censures, attributed to a Bishop above a Minister. Nay which is more, than is attributed to a Bishop above a Lay man: yea than to such a lay man, who is authorized onely, by a lay man to his office. Which is evident by Ecclesiasticall jurisdiction and censures, exercised a long time by Lay men, in the peculiar jurisdictions of *Newton, Gronbie, Aulse, Soke of Rothely, Evington*, and other parishes and Hamlets in the Countie *Leycester*. The Officers of all which places, for their spirituall authority, having not had any other warrant, than such only as hath beene signed, sometimes under the hand and seale of the right Honourable the Earle of *Huntingdon* deceased; sometimes of the Honourable Sir *Henry Grey* Knight; sometimes of *Henry Skipwith* Esquire, and sometimes of others.

For the avoyding therefore of sundry intolerable inconveniences which lietherto hath ensued for want of that authority, which the Law fetled, doth enable every Minister with, It is most expedient, that all humane authority in the execution of spirituall censures, bee utterly taken away, and that the divine and Evangelicall censures of Christ, bee ministred in every Congregation, where learned and godly Pastors, with discreet Elders may bee had, as from the minde of the Lord they were executed, in the Apostolicall and Primitive Church.

I had almost forgotten to speake of one common and usuall kinde of jurisdiction spirituall in the use of the censures of the Church, by the Archbishops, which in cases of their Prerogative, they have prescribed against the Bishops over the Presbyters and people of every Bishops Diocese, and Archdeacons jurisdiction, within their provinces: of one other common and usuall kinde of pretended spirituall jurisdiction, and use of the censures, which the Archbishop and sometimes the Deane and Chapter, (*sede Archiepiscopali*, or *sede Episcopali vacante*) exercise: and lastly, of that spirituall kinde of jurisdiction and censures, so called of the Church, which Suffraganes, and Archdeacons, have and doe use.

As touching which supposed spirituall power, both of the Archbishops and Archdeacons, because the same their powers, doth not only belong unto them *jux consuetudinario & non scripto*, by unwritten,

written, and not by written Law; I must conclude against the jurisdiction of the Archbishops Prerogative, and against the Archdeacons jurisdiction in all cases, as out of *St. Cprian*, King *Henry* the eighth: concluded against the Pope. *viz*: That their authorities can not bee from Christ. Because Christ said, *ego sum via, veritas, & vita*. He never said, *ego sum consuetudo*.

Touching the jurisdiction of the Deane and Chapter, the papall Law being abrogated, how the same may lawfully now bee used, otherwise than by sufferance and consent of the King, and Realme, I know not. But of all spirituall authority exercised at this day in the Church of England, the same seemeth to draw most neare to the semblance of the government practised by the Apostles and Primitive Church. And might be approved in many points, if so be the Deane and Chapter, being as it were a Senate of preaching Elders, did no more commit the execution of their Ecclesiasticall jurisdiction, to the wisdom of one Vicar generall, or principall officiall, than they doe put over the leasing of their Lands, or dividents of their rents to the only discretion of one of their Bayliffes, or Stewards.

As for Bishops Suffraganes, in England and in *Wales*, how many there may be, and what Cities and Townes, are to be taken and accepted, for their Seas, it is at large expressed in a statute, made for the nomination of Suffraganes. By which statute also wee are given to understand, that it remaineth onely in the disposition, and liberty of every Archbishop and Bishop within this Realme, &c. to name and elect two honest and discrete spirituall persons, being learned, and of good conversation, and them to present unto the King by their writing under their Seales, making humble request to give to one such of the said two persons, as shall please His Majesty, such title, name, stile and dignity of Bishop of such Seas specified in the said act, as the Kings Highnesse shall thinke most convenient for the same, so it bee within the same Province, whereof the Bishop that doth name him is: Besides after such title, stile, and name given by the King, it is said that the King shall present, every such person by his Letters Patents, under his great Seale, to the Archbishop of the same Province, wherein the Towne, whereof he hath his title, name, stile and dignity of Bishop; and that the Archbishop shall give him all such consecrations, benedictions and ceremonies as to the degree and office of a Bishops Suffragane shall be requisite. It is further enacted, and provided that every person nominated, elected, presented, and consecrated according to that act, shall be taken, accepted, and

reputed in al degrees and places, according to the stile, title, name and dignity, that he shall be presented unto, and have such capacity, power and authority, honour, preeminence and reputation, in as large and ample manner, in and concerning the execution of such Commission, as by any of the said Archbishops or Bishops, within their Diocesse shall bee given unto the said Suffragane, as to Suffraganes of this Realme heretofore, hath beene used and accustomed. And that no Suffragane made and consecrated by vertue of this act, shall take or receive any manner of profits, of the places, and Seas whereof they shall be named, nor use, have or execute, any jurisdiction or Episcopall power, or authority within their said Seas, &c. but onely such profits, jurisdiction and authority, as shall be licensed, and limited unto them, to take, doe, and execute, by any Archbishop or Bishop within their Diocesse, to whom they shall be Suffraganes under their seales. And that no such Suffragane shall use any jurisdiction ordinary or Episcopall power, otherwise nor longer time, than shall bee limited, by such Commission to him given upon paine, &c.

From which Act touching the use, and exercise of Episcopall power, and censures by the Suffragane, wee may againe safely conclude, that the EPISCOPALL power, granted by the Bishops, to be used by the Suffragane, is not of divine right, and institution, but onely from humane device and ordinance. For the Suffragan could not exercise any power called spirituall or Episcopall, unlesse by the Bishop hee were nominated, by the King elected and presented, by the Archbishop consecrated, and by commission under the Bishops seale authorized, in what manner, and for what time he should exercise the same. Custom then being not from heaven, but from the earth; and againe the Bishops Commission limiting the Suffraganes delegated power being of man, and not of God, it followeth necessarily, that, that Episcopall power, which the Bishops use and exercise in *England*, can not be divine but humane. Because Episcopall authority which is divine, being conveyed from the Royall and Sovereigne authority of our Saviour Christ, the giver of all power unto every officer within his Church, cannot bee transferred, to any other person, by the same Bishop, by the King, by the body of the state, or by custome. For the Kings Person, and body of the state, nor being made capable by the holy scriptures, to use and exercise that Episcopall power which is of divine Institution, can never transferre the same to others, whereof they bee themselves incapable. And to defend that custome, or any municipall Law, should transfer divine Episcopall power from a divine B. to any humane officer, is more erroneous.

And

And from hence if the now *L. Bish. of London* judge his Episcopall power to belong unto him by divine, and that by the same right, he have power, as well to ordaine, depose, suspend and excommunicate Presbyters, as to confirme boyes, girls, young men and maidens,) there seemeth to bee good reason that the same B. should make it apparently knowne unto the King and Realme, by what power or commission descended from heaven, hee may delegate under his Seale, the same his divine authority, of ordination, deposition, suspension, excommunication, and confirmation, unto Doctor *Sterne* his now Suffragane of *Colchester*.

For if from the holy Scriptures, hee can produce no warrant, for the making of a delegation of any part, of that Episcopall power which hee holdeth to bee committed unto him from our Saviour Christ: then well may we conclude against the ordination, deposition, suspension, excommunication, and confirmation made by the same his Suffragane, that the same his Suffraganes ordination, deposition, &c. is not divine. For how can an ordination, a deposition, &c. made by a Suffragane, be divine; when as the Commission granted by the Bishop, is meere humane?

Wherefore seeing the Bishop himselfe, hath plucked certaine of his principall feathers from his own spirituall wings (if so be his own wings may be spirituall) and impied them with an untwisted thread of humane policy, to the humane trayne of his Suffragane; and seeing also his Archbishopps grace of *Canterbury*, in cases of his metropolitall prerogative, the Archdeacons, *London*, *Middlesex*, *Essex*, *Hertford*, the Deane of *Pauls*, and certaine Prebendaries in *Pauls*, the Deane of *Westminster*, the Master of the *Savoy*, and divers other Persons, have by Papall priviledges, or by ancient custome prescribed almost all other parts of his Episcopall power; there seemeth good reason, that the Bishop should againe declare, whether the Churches within the said Diocese after the decease, or translation of his Lordship shall stand in need of any Lordly Successor, to sit in the same See, for any other profitable use or purpose, than only for wearing of a white rochet, walking with a pastorall staffe, keeping seven yeares Sabbath, from preaching in his Parish Church at *Fulham*, consecrating of Chappels, hallowing of Fontes, Christening (as they call it) of Belles, whiting of Walles, painting of Tombes, garnishing of Sepulchers, preserving of superstitious Monuments in glasse Windowes, repairing and gilding rotten and outworne Crosses, confirming Leases of Benefices, with cure of soules, upon small rents, improprying Churches, or such like. For if the great things s



things of the Episcopall power, may bee transferred, either by expresse, or by secret consent, either by commission or custome, and that as well to an inferior, as to a superior, as well to a Suffragane, a Deane, an Archdeacon, and a Prebendary, as to an Archb: then it seemeth reasonable, that the smaller things, before spoken of, may well be performed, without any Lordly authority.

When I had thus finished, according to our line, that which I first undertooke, against the Admonitors pre-ented dangerous alterations, innovations, and inconveniences, and was also purposed, to have added that which (in mine opinion) seemeth to prove that, which the Admonitor by his opinion, denyeth; *viz.* that the externall government of the Church should alwayes, and in all places be one, when (I say) I had thus purposed, by reason of some other present, and for the time more necessary occasion, I was driven to alter my minde, and to shew the same, in a place somewhat more convenient.

And yet in the meane while, it shall not be amisse, but a thing very necessary, in this place, so to cleare the state of the question betweene the Admonitor and me, as the same being rightly before hand understood, there might no preiudicate opinion be conceived against the truth.

The Admonitor against the not having one forme of externall policy in all ages and states of the Church, of Christ, alleadgeth that in *Denmarke*, they have Bishops, both in name and in office: that in *Saxony* they have Archbishops, and Bishops in office, but not in name: that in *Tigurre*, they have no Senate of Elders; nor the discipline by excommunication, which they more mislike; that in *Geneva*, in *Scotland*, and in other places, they have a government not much unlike that platforme which is desired to be among us: that in *Saxony*, and *Basil* they kneele at the Lords Supper: all *Tigurre* they sit, and it is brought unto them, and that in other places they goe and receive it, for the more expedition, as they passe. And that he doubteth not but that the learned men, whom God sent, to instruct those Churches in which the Gospell in those dayes was first received, have bin directed by the spirit of God, to retaine this liberty, that in externall government, and other outward orders, they might chooseth such, as they thought in wisdom, and godlinesse, to be most convenient, for the state of their Countrey and disposition of the people.

Vnto all which wee answer briefly: *viz.* that Bishops both in name and in office being of divine institution, ought as well to be in the Church of *England* as of *Denmarke*, that it is an error (by their



their leave) in the Church of *Saxony*, not to have Archb. and Bb. in name; if so be they hold it lawfull to have Archb. and Bishops in office. For what should a necessary officer doe, without a convenient name? And touching the Church of *Tigurne*, it is not materially, what the same Church doth thinke not tolerable, or doth more mislike, but what she ought not to mislike, or what it ought not to thinke tolerable. And then what a poore prooffe is there here made (trow we) for the confirmation of the corruptions in the Church of England by producing of two witnesses, two errors in the Church of *Tigurne*. For not to like a Senate of Elders, and more to mislike excommunication, is more and more to slide out of the right way.

And since we have the whole Christian Kingdome of *Scotland*, the most famous, and renowned Church of *Geneva*, and sundry Churches, by his confession in other places, to be lights unto us, and to agree with us, in a government not much unlike to that, which we desire: wee have not onely great cause, to rejoyce in this our desire, but also to be much comforted and encouraged, by these examples, by all holy meanes, to labour the full accomplishment thereof. For by this testimony, and by these instances given and produced by himselfe, the Admonitor hath quite and cleane weakened, and disabled, his owne generall position, opinion, and thoughts of the unnecessaries, and inconvenientnesse, of having the Apostolicall and Primitive government, in the time of Peace, under a Christian Magistrate.

For hath not the free Kingdome of *Scotland*, the free Citie of *Geneva*, and other Sovereigne and free Princes, Potentates and powers, (not being under Tyrants, and persecution) received the same, as being the best, the fittest, the convenientest, and most necessary government (yea even in the time of peace and under their Christian Magistrey) for the state of their Countrye, and disposition of their people?

And as touching rites and ceremonies, we affirme not, that every rite, ceremony or circumstance to be used in the externall execution of Church government, is precisely set downe in the holy Scriptures, but touching the substance of government, thus we say, and thus we hold: *viz.* that the Officers and Governours appointed by our Saviour Christ, to be over the Churches in every Countrey (observing the generall rules of decency, comelineesse, and edification) have liberty, with the consent of their Christian King, or other supreme Magistrate, to chooseth what rites and ceremonies,

they in wisdome and godlinesse shall thinke most convenient. And therefore we grant that the officers of Christ; in the use and dispensation of their functions, are no more exactly tyed, by any direct commandement in the holy Scriptures, to use at all times, and in all places, one only manner of rites and ceremonies; than were the Priests of the Law, to use all one manner of knives, to kill their sacrifices, or the singers to sing all songs after one manner of tune, or upon one kind of instrument, or then are Kings and Princes in all Countries commanded, to use all kind of circumstances, in the outward execution of civill justice in their Common-Weales.

As then, as it was lawfull for the Priests to have knives and trumpets of diverse fashions; and for the Levites to have their Musickall instruments of diverse formes: Nay as sundry Justices of Peace, in sundry Shires of the Kingdome, are not bound to keep their quarter Sessions, all in one day to begin, and to breake their Sessions at one instant; to stand, to sit, and to walke, whensoever they speake, to weare all one fashion; hats, caps, cloakes, or gowines; and such like: so likewise, is it with the Bishops, Pastors and Elders of the Church.

In the ministration of Baptisme, there is no direct commandement, that the vessell to hold the water, for the Childs Baptisme, should bee of, stone, of pewter, of brasse, or of silver; whether the Minister should descend to the lower end, or the child ascend to the upper end of the Church: Whether the child should have a great handfull, or a little sponfull of water powred upon his head. In the celebration of the Lords Supper, it is directly commanded, that the people shall stand, sit, or passe: whether it should be celebrated every first or second Sabbath of the month; whether in the morning, at noone, or at night. In the ordination of Ministers, there is no just prooffe to be made, that any certaine number of Ministers, are to lay on their hands, that the day of ordination should be alwayes one: that the Minister should bee of such an age, or that the prayers should be of this or that length and forme of words. And therefore touching these and such like things of indifferency, wee agree with the Admonitor and Reverend Bishop that one forme of externall orders, rites and ceremonies is not of necessity, to be in every Church, because there is no such order witnessed by the holy Scriptures to be of necessity. But touching the joynt, and severall functions of Bishops, Pastors, and Elders, that they, or any of them, should in any age or state of the Church of Christ bee wanting, or that such offices as by warrant of the Scripture are coupled together,

together, should bee appointed, to execute any functions in the Church, then such persons onely, as for their functions, have warrant from the holy Scriptures, wee cannot in any sort thereunto agree. And why? forsooth because all, both offices, and Officers in the Church, must only, and alonely, bee derived from our Saviour Christ, as from the only fountaine and bestower of all officers, and offices in the House of God. And therefore, albeit wee should grant, (as the Admonitor hath said) that the outward order used in the Primitive Church, touching rites and Ceremonies, by Bishops, Pastors and Elders, is neither necessary, nor so convenient as it may be otherwise, in the time of peace, and under a Christian Magistrate, yet we may not hereupon imply, as his negative implyeth: *viz.* that Bishops, Pastors and Elders, or any of them, are neither necessary, nor so convenient officers, or governours, as other officers of mans invention might be. For which our opinion (by the help of God) we shall assay (as before hath beene mentioned) in another place, to lay downe, out of the Word of God, some just proofes, (according to the Admonitors request) that there ought to be in all ages and states of the Church, this outward order and forme of government: *viz.* that Bishops, Pastors and Elders, ought evermore to be spirituall governours, and that evermore they, and none other, ought to use that essentiall kinde of spirituall government, and none other which was practised by the Bishops, Pastors and Elders, in the Apostolicall and Primitive Church. Always leaving the outward rites and ceremonies of their spirituall kinde of government, to bee indifferent, as erst hath beene said.

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*FINIS.*



Speeches used in the *Parliament* by Sir *Francis Knoles* : and written to my LORD Treasurer, Sir *William Cecill*.



O the end I may enforme your Lordship of my dealing in this Parliament-time, against the undue claimed superiority of the Bishops over their inferior brethren, Thus it was,

Because I was in the Parliament time, in the 25. yeare of King Henry the eight. In which time, First, all the Clergie, aswell Bishops as others, made an humble submission to King Henry the Eighth, acknowledging his Supremacie, and detesting the usurpation of the Bishops of Romes authoritie. Vpon which submission of the Clergie the King gave unto the said Bishops the same ample rule, that before they had under the Pope, over their inferior brethren; saving that the same rule was abridged by statute by this parenthesis following, that is to say (without offending the prerogative Royall of the Crowne of England, and the lawes and customes of the Realme.) In the later end of the Statute, it was added, that whosoever offendeth in any one part of that statute, and their Aydors, Counsellors, and Abbettors, they did all fall into the penalty of the premunire. And after I had recited this statute in the Parliament house, I declared that in King Henry the Eight dayes after this: There was no Bishop that did practise superiority over their inferior brethren. And in King Edwards dayes, the said Bishops, obtained a statute, whereby they were authorized to keepe their Courts in the Kings name: the which statute was repealed in Queene *Maries* dayes, and was not received in her Maje-

fies time that now is, whereupon it was doubtfull to me,  
 by what authority the Bishops doe keepe their Courts now  
 in their owne names, because it is against the Prerogative  
 Royall of the Crowne of *England*, that any should keepe  
 a Court, without sufficient warrant from the Crowne.  
 Whereupon I was answered, that the Bishops doe keepe  
 their Courts now by prescriptions, and it is true that the  
 Bishop may prescribe, that King *Henry* the 8. gave them  
 authority, by the statute of 25. of his raigne, to have au-  
 thority and rule over their inferior brethrep, as ample as  
 they had in the Popes time. But this was no speciall war-  
 rant for them to keepe their Courts by, and that in their  
 owne names. And yet they have none other warrant to  
 keepe their Courts (as they doe now in their owne names)  
 to my knowledge. And this was the cause that made them  
 obtaine a statute in King *Edwards* dayes, to keepe their  
 Courts by, in the Kings name. Now, it is a strange allega-  
 tion, that the Bishops should claime authority at this pre-  
 sent, to keepe their Courts in their own names, (as they do)  
 by prescription, because the statute of 25. doth restraine  
 them generally from offending of the Prerogative Royall  
 of the Crowne of *England*, and the Lawes and customes  
 of the Realme. And no man may justly keepe a Court  
 without a speciall warrant from the Crowne of *England*,  
 as is aforesaid. And the generall liberty given by King  
*H.* the 8. to the Bishops to rule and governe, as they did  
 in the Popes time, is no sufficient warrant to the Bishops to  
 keepe their owne Courts in their own names by prescrip-  
 tion, as I take it. And therefore the Bishops had done wise-  
 ly, if they had sought a warrant by statute to keepe their  
 Courts in the Queenes name, as the Bb. did in *K. Edwards*  
 dayes: In which time Arch. *Cramer* did cause *Peter Mar-*  
*tur* and *Baer* to come over into this Realme to be placed in  
 the two Vniuersities, for the better instruction of the Vni-  
 versities in the word of God. And B. *Cramer* did humbly  
 prefer these learned men without any challenge to himselte



in the PARLIAMENT.

of any superior rule in this behalfe over his inferiour brethren. And the time hath bin, that no man could carry away any grant from the Crowne of *England* by generall words, but that hee must have speciall words to carry the same by: Therefore how the B. are warranted to carry away the keeping of their Courts in their owne names, by prescription: it passeth my understanding.

Moreover, where as your Lordship said unto mee, that the Bishops have forsaken their claime of superiority over their inferior brethren, (lately) to bee by Gods ordinance, and that now they doe only claime superiority from her Majesties supreme government: If this be true, then is it requisite and necessary, that my L. of *Canterbury*, that now is, do recant and retract his saying in his book of the great volume against *Cartwright*, where he saith in plaine words (by the name of D. *Whitgift*) that the superiority of B. is Gods owne institution: Which saying doth impugne her Majesties supreme government directly, and therefore it is to bee retracted plainly and truly. For *Christ* plainly and truly confesseth, *Ioh. 18. 36. That his Kingdome was not of this world.* And therefore he gave no worldly rule or preheminance to his Apostles, but the heavenly rule, which was to preach the Gospell, saying: *Ite, pradicate in omnem mundum, quicunq; crediderit & baptizatus fuerit, salvus erit: qui non crediderit, condemnabitur.* Goe and preach in all the world, who soever shall beleieve & be baptized, shall bee saved: but he that will not beleieve, shall be condemned, *Mark. 16. 15.* But the Bishops do cry out, saying, that *Cartwright* and his fellows, would have no government, &c. So, belike, the B. care for no government, but for worldly and forcible government over their brethren, the which *Christ* never gave to his Disciples nor *Apostles*, but made them subject to the rule of Princes, who ought not to be resisted, saying that they might answer unto Princes, that they must rather obey God than men (*Acts 5. 29.*) and yet in no wise to resist the Prince, but to take up the Crosse and follow *Christ*.

FINIS.